



Statutory Review of Provincial Planning Legislation

Final Report

Prepared for:

Manitoba Municipal and Northern Relations

October 28, 2024





December 12, 2024

The Honourable Glen Simard
Minister of Municipal and Northern Relations
Legislative Building
Winnipeg, Manitoba R3C 0V8

Re: Statutory Review of Provincial Planning Legislation

Dear Minister Simard:

We are pleased to submit the final report for the Statutory Review of Provincial Planning Legislation, as mandated by The Planning Amendment and City of Winnipeg Charter Amendment Act (Former Bill 37) and The City of Winnipeg Charter Amendment and Planning Amendment Act (Former Bill 34).

This independent review, conducted between March and October 2024, examined the impact and effectiveness of these legislative changes on Manitoba's planning and development decision making environment.

The review involved extensive consultation with over 250+ individuals, representing over 95 municipalities, development stakeholders, and the public. This included direct engagement with the City of Winnipeg, the Manitoba Municipal Board, the Manitoba Municipal and Northern Relations Community Planning Branch, and other relevant provincial departments. Our methodology included structured interviews with stakeholders, analysis of municipal performance data, review of Municipal Board appeal functions, public input through EngageMB, and consideration of formal submissions from key stakeholder organizations.

We wish to acknowledge the coordination support provided by the following organizations who enabled our team to conduct a fulsome review with participation of key stakeholders from across the province: Association of Manitoba Municipalities, Keystone Agricultural Producers, Manitoba Bar Association, Manitoba Beef Producers, Manitoba Heavy Construction Association, Manitoba Home Builders Association, Manitoba Municipal Administrators, Manitoba Pork Producers, The Law Society of Manitoba, and The Urban Development Institute.

We trust that the summary of the review findings (What We Heard) and the resulting policy, operational, and legislative changes will inform you and the Manitoba government on next steps in this critical sector.

On behalf of our entire review team, we wish to extend our sincere appreciation to all review participants, and the department's project team, for the opportunity to undertake this important review.

Sincerely,

Braid Solutions Inc.

A handwritten signature in blue ink, appearing to read "Ian R. Shaw".

Ian R. Shaw, MCIP, RPP, CMC
President and Principal Consultant

Executive Summary

In accordance with legislative requirements, an independent review of The Planning Amendment and City of Winnipeg Charter Amendment Act (Former Bill 37), The City of Winnipeg Charter Amendment and Planning Amendment Act (Former Bill 34), and related appeal provisions of The Planning Amendment Act (Improving Efficiency in Planning) (Formerly Bill 19) was conducted to assess their impact and effectiveness.

This review aimed to capture feedback from a broad range of stakeholders, analyze the legislation's performance, and provide recommendations for improvement.

Conducted from March to October 2024, this review involved over 250 participants representing more than 95 municipalities, development stakeholders, and the public. This included extensive consultations with the City of Winnipeg, the Manitoba Municipal Board, Manitoba Municipal and Northern Relations (MNR), and other relevant government departments. The review team utilized a structured methodology that included structured interviews, analysis of municipal regulatory performance data, review of Municipal Board appeal functions, public input through EngageMB, and formal submissions from stakeholder organizations.

What We Heard

The review revealed that while many of the legislation's objectives have merit, the implementation has fallen short of expectations. Stakeholders expressed concerns about the legislation's complexity, lack of adequate implementation support, and unintended consequences that have, in some cases, exacerbated problems that existed before the legislation was introduced.

Qualitative insights and perspective from review participants were contrasted with an analysis of the impacts of the legislation on development decision making processes wherever possible.

The consultation findings were aggregated into the following 9 key theme areas:

- Consistency, Clarity, and Certainty in the Legislation
- Implementation Resourcing and Supports
- Planning and Development Approval Processes
- Balance between Provincial Interest/Strategic Assets/Economic Development and Community Interest in Land Development and Planning Decision Making
- Regional Planning Board Formation and Governance
- Regional Plan Role, Emphasis and Adoption
- Role of the Municipal Board as Appeal Body for Planning and Development Decisions:
- Effectiveness of Municipal Board Processes for Planning and Development Decisions:
- Balance between Landowner Rights and Community Interest in Land Development and Planning Decision Making

Recommendations

The final report sets out 19 recommendations to the Minister of Municipal and Northern Relations and the Manitoba government as a result of the statutory review process.

This statutory review has confirmed that there are merits in many of the concepts informing the legislative changes introduced through former Bills 19, 34, and 37 The Planning Act C.C.S.M. c. P80 and The City of Winnipeg Charter, SM 2002, c.39

It has also demonstrated that legislation and regulation are “blunt instruments” that set the tone and context for all stakeholders and the public in the areas where they establish operating expectations.

The recommendations have been developed to address concerns identified with the underlying legislation while establishing policy, direction, and operational considerations that will improve its overall adoption and performance over time.

The 19 review recommendations are organized into the five following theme areas:

- Recommendations with respect to the overall structure and performance of the legislation
- Recommendations with respect to establishing a common service standard
- Recommendations with respect to establishing a framework for regional planning
- Recommendations with respect to establishing an independent appeal function
- Recommendations with respect to conducting future statutory reviews

Table of Contents

Executive Summary	i
1. Introduction	1
1.1. Objectives of this review	1
1.2. About the legislation in scope of the review	2
1.3. Key planning concepts applicable to this review	6
1.4. Environmental factors affecting this review	8
1.5. Organization of this document	10
2. Themes: “What We Heard?”	11
<i>Summary response definitions</i>	11
2.1. Consistency, clarity, and certainty in the legislation.....	12
2.2. Implementation resourcing and supports	15
2.3. Planning and development approval processes	19
2.3.1. Timelines	21
2.3.2. Completeness of applications	31
2.3.3. Review of applications	32
2.3.4. Reasons for decision	34
2.3.5. Development agreements.....	35
2.3.6. Un-proclaimed legislation: Major developments.....	36
2.4. Balance between Provincial interest/strategic assets/economic development and community interest in land development and planning decision making	38
2.5. Regional planning board formation and governance	40
2.6. Regional plan role, adoption and emphasis.....	44
2.7. Role of the Municipal Board as appeal body for planning and development decisions.....	47
2.8. Effectiveness of the Municipal Board processes for planning and development decisions.....	50
2.9. Balance between land owner rights and community interest in land development and planning decision making	54
2.10. Feedback on review process	56
2.10.1. Overall approach, methodology and process.....	56
2.10.2. Regulatory performance data analysis and survey	58
3. Recommendations	60
3.1. Recommendations	60
3.1.1 With respect to overall structure and performance of the legislation	60
3.1.2 With respect to establishing a common service standard	62
3.1.3 With respect to establishing a framework for regional planning	65
3.1.4 With respect to establishing an independent appeal function	67
3.1.5 With respect to conducting future statutory reviews.....	70

Appendices

- A. Statutory Review of Planning Legislation Phase I Report
- B. Statutory review methodology
 - 1.1. Phase II stakeholder consultation
 - 1.1.1. Participants
 - 1.1.2. Structured interview

- 1.1.3. Summary response definitions
- 1.2. Municipal regulatory performance data analysis
 - 1.2.1. Preplanning and design
 - 1.2.2. Survey release and participation
- 1.3. The Municipal Board data analysis
- 1.4. Public input through EngageMB
- 1.5. Request for formal submissions
- 1.6. Review of background documents and participant submissions
- C. Implementation Guides for Bill 19, Bill 34 and Bill 37
- D. Structured interview guide
- E. Regulatory performance data analysis
- F. Summary of areas for clarification received from participants with Act, Section and Clause reference
- G. Planning appeal structures and authorities in other jurisdictions
- H. Formal submissions received by review team

1. Introduction

Manitoba is required by law to undertake a comprehensive legislative review of The Planning Amendment and City of Winnipeg Charter Amendment Act (Former Bill 37) and The City of Winnipeg Charter Amendment and Planning Amendment Act (Former Bill 34) within 3 years of this legislation coming into force (October 29, 2024). These pieces of legislation set out a requirement for public representations to be included in the statutory review process. Within one year after the review is undertaken, the minister must table a report on the review in the Legislative Assembly.

The purpose of this report is to set out the findings of the legislative review process conducted by Braid Solutions Inc. (“the review team”).

Conducted from March to October 2024, the project incorporated participation from over 250 individuals representing some 95+ municipalities, development stakeholder organizations, and the public. It also included significant consultation with the City of Winnipeg, the Manitoba Municipal Board, Manitoba Municipal and Northern Relations Community Planning Branch, and other departments of the Manitoba government with a role in planning and development approval processes.

1.1. Objectives of this review

The formal objectives of this review were to:

- Capture feedback on the impact and performance of the legislation from a broad range of stakeholders and the public
- Independently assess this qualitative feedback using a range of quantitative analysis methods and processes
- Provide recommendations to inform future policy, operational, and legislative changes for consideration of the Minister of Manitoba Municipal and Northern Relations and the Manitoba government

Throughout the course of the review, the review team operated independently from Manitoba Municipal and Northern Relations (MNR) but was supported by a project lead and steering committee responsible to assist with coordination of all review activities.

Throughout the statutory review, the review team focused on the following questions:

- Did the changes to the legislation and supporting regulations achieve their intended outcome?
- What is working well and what is not?
- What has been the actual performance of planning and development processes since the legislation has been enacted?
- What improvements can be made to improve performance under the legislation or is a fundamental realignment required?
- Has the legislation struck the appropriate balance between the role of local governments to oversee planning and land development at the local level in contrast to the Manitoba government’s role to establish policy and define performance or process expectations for municipalities?

The review scope did not include an assessment of the process to define and establish the legislation. Similarly, the review scope did not include the evaluation or assessment of decisions made by any stakeholder or organization as a result of the legislation being enacted. Rather, the review team adopted an approach to understand issues, concerns, and situations with a “going forward” perspective.

The review was completed in three phases:

- **Phase I** consisted of a structured process to engage with stakeholders to finalize the review consultation plan and to assess available data that could be used to support analysis of planning and development processes. At the completion of this phase, the review team published a report with recommendations to guide the formal review process. The full Phase I Report is included in **Appendix A**.
- **Phase II** involved execution of the review consultation and analysis process. Together with a comprehensive report of findings from the review ("What We Heard"), this document provides details on the overall review methodology including the approach for defining and executing a comprehensive consultation process with impacted stakeholders and the public. The complete statutory review methodology is included in **Appendix B**.
- **Phase III** involved the preparation of key findings and recommendations for consideration of government. These recommendations are included in **Section 3** of this document.

The specific legislation in scope of the review is described in the next section.

1.2. About the legislation in scope of the review

The key pieces of the legislation included in this statutory review are:

- The Planning Amendment and City of Winnipeg Charter Amendment Act (Former Bill 37) with most provisions coming into effect on October 29, 2021. A key provision related to major developments from this legislation remains un-proclaimed.
- The City of Winnipeg Charter Amendment and Planning Amendment Act (Former Bill 34) proclaimed on June 1, 2022, with planning amendments coming into force on September 1, 2023.
- The appeal provisions of The Planning Amendment Act (Improving Efficiency in Planning) (Formerly Bill 19) which received royal assent on June 4, 2018 with sections 18, 20, and 25 were proclaimed in later phases.

This legislation was developed in response to a June 2019 Treasury Board Secretariat Report, Planning, Zoning and Permitting in Manitoba. A copy of this report can be found here: www.gov.mb.ca/asset_library/en/proactive/planning_zoning_permitting_recommendations_2019.pdf.

The key goals for this legislation as described in a November 2, 2020 news release [Manitoba to Improve Efficiency and Transparency of Land Use Planning](#) were to:

- Streamline planning and approval processes to ensure timely and transparent decisions on private-sector capital investment opportunities
- Complement the existing authority of Manitoba municipalities to adopt, administer and enforce their development plans, zoning and all other bylaws respecting land use and development in their municipality
- Establish a regional planning authority in the Winnipeg Metropolitan Region
- Create new rights of appeals on a wide range of local planning decisions, including expanding public appeals to the Municipal Board for zoning applications in the city of Winnipeg
- Prescribe timelines for municipalities to process planning applications across the province

On the basis of stakeholder feedback, the same release noted that an earlier draft of the proposed legislation was updated to:

- Provide residents the right to appeal zoning bylaws in the City of Winnipeg, bringing consistency to the zoning appeals process across Manitoba
- Ensure decisions on planning applications cannot be delayed on the basis that the preparation or amendment to secondary plan is pending
- Ensure consultation with potential member municipalities before establishing any future planning regions

This announcement followed the work of a Minister's advisory group comprised of industry and municipal stakeholders with support by Manitoba Municipal and Northern Relations (MNR). Advisory group participants appreciated the requirement for a statutory review process to be included in the legislation so that a formal opportunity to review outcomes from many of the new provisions was established. They noted throughout the course of the review, that it was a key addition that improved stakeholder support for many of the changes introduced by these Bills.

In addition to working group sessions, Manitoba Municipal and Northern Relations conducted 76 consultation sessions with stakeholders from August 2019 to May 2022. Stakeholders that participated in these sessions included AMM, UDI, City of Winnipeg, many Manitoba municipalities, the Municipal Board, Manitoba Hydro, professional associations, and other stakeholders.

Together, these legislative changes are comprehensive in nature and resulted in updates to many areas of The Planning Act C.C.S.M. c. P80 and The City of Winnipeg Charter, SM 2002, c.39. Both Manitoba and the City of Winnipeg maintain websites with current information on these changes together with related procedural information as follows:

- City of Winnipeg: <https://legacy.winnipeg.ca/ppd/Zoning/Bill37.stm>
- Province of Manitoba: https://www.manitoba.ca/mr/land_use_dev/about_planning.html

A copy of the MNR implementation guides supporting this legislation is included in **Appendix C**. This material was utilized in all stakeholder consultation processes as a reference.

These materials, together with the relevant Acts, should be consulted for specific language or interpretation guidance.

These changes addressed eight general areas:

- New service standards for applications and appeals intended to add consistency, transparency, and clear timelines for common applications and appeal processes were introduced to:
 - Set timelines for key decision points for applications and appeals
 - Increase consistency for developers, planners, and government in sharing the same timelines for an application's processing or appeal's review
 - Align Manitoba to other Canadian provinces with planning and development service standards
- Changes were implemented to require a municipality to automatically refer a proposed zoning bylaw or zoning bylaw amendment to the Municipal Board when the municipality receives formal objections from 25 or more people who are eligible to vote in the municipality. These changes:
 - Ensure proposed zoning changes with significant public opposition receive a hearing overseen by an independent board
 - Create a consistent way for how a zoning bylaw referral may be triggered by public objection

- Changes were implemented for conditional uses affecting large livestock operations and aggregate operations to:
 - Provide applicants with the right to appeal a decision to reject, or a decision to impose conditions on large livestock operations
 - Provide applicants with the right to appeal a decision to reject, or a decision to impose conditions on an aggregate operation (e.g., quarry)
- Changes were introduced to require planning authorities to identify their reasons for rejection of some planning applications. These changes were made to improve transparency to applicants and the public.
- Changes were introduced to the Municipal Board's planning appeal and referral processes including time limits to hold hearings and make decisions that:
 - Require the Municipal Board to hold a hearing within defined timeframes set out in legislation after receiving a completed application
 - Require the Municipal Board to make a decision within defined timeframes set out in legislation after completing a hearing
 - Allow the Municipal Board to assign costs if it deems that unnecessary delays were caused by a municipality or planning district

These legislative changes in turn rely on established processes that the Municipal Board has for scheduling a hearing or referral, conducting a hearing, providing notice to stakeholders, developing a decision, and issuing an order or referral report.

- Expanded appeal rights were introduced for specific planning applications in the City of Winnipeg and all other municipalities and planning districts. These changes were made to create new ways of appealing certain planning and development applications as well as adding consistency to the way appeals are processed. Notable changes include:
 - Increasing the number and types of development applications that may be appealed by applicants in municipalities outside of the City of Winnipeg, such as a development agreement decision, a development permit decision, a decision made by a council or planning commission regarding a development agreement, and more
 - Establishing new appeal rights for many types of development applications within the City of Winnipeg
 - Establishing maximum timelines for specific types of development applications to allow applicants the opportunity to appeal a lack of decision after a certain amount of time has passed
- Changes established the process to create planning regions across the province, including at the request of municipalities or the Minister. They also established the Capital Planning Region to create a consistent regional planning approach to land use in the province's capital region in alignment with other Canadian jurisdictions. These changes included:
 - Setting out mechanisms for formation of the Planning Region Board as a statutory corporation, the appointment of the Chair and Board Members, record keeping and recording requirements, decision-making and quorum considerations, and financial contribution by member municipalities
 - Requiring the 18 municipalities to be members of the Capital Planning Region
 - Allowing the Minister to change the boundaries by a planning region to add or remove municipalities by regulation

- Changes established a requirement that all planning regions, including the Capital Planning Region, must establish a regional plan, lead regional planning initiatives, and facilitate cost-effective regional infrastructure and services. The adoption process for regional plans must include at least two public hearings after which the planning region board must decide if it will give second reading to the plan or decide not to proceed any further with the by-law. The Minister can approve the plan, reject it or refer the plan or parts of it to the Municipal Board. Member municipalities must ensure their development plans are not inconsistent with the regional plan within three years after the regional plan is adopted.

The drafting approach for this legislation required it to work in concert with other statutes that set out the role and function of municipalities and the Manitoba Municipal Board. The review team's recommendation to include the following inter-related/consequential legislation in scope was accepted by MNR:

- The Planning Act, C.C.S.M. c. P80
- The City of Winnipeg Charter, SM 2002, c.39
- The Municipal Act, C.C.S.M. c. M225 Act
- The Municipal Board Act, C.C.S.M. c. M240 (with an emphasis on the Municipal Board's role and function in planning and development decision making processes)

This legislation is supported by several regulations that provide additional direction and implementation guidance. The regulations considered by the review team throughout the course of the review are:

- Capital Planning Region Regulation 161/2022 under The Planning Act C.C.S.M. c. P80
- Inland Port Special Planning Area Regulation 48/206 under The Planning Act C.C.S.M. c. P80
- Northern Manitoba Planning By-law Regulation 45/2002 under The Planning Act C.C.S.M. c. P80
- Planning Districts Regulation 25/2015 under The Planning Act C.C.S.M. c. P80
- Provincial Planning Regulation 81/2011 under The Planning Act C.C.S.M. c. P80
- Special Planning Areas Regulation 49/2016 under The Planning Act C.C.S.M. c. P80
- Subdivision Regulation 137/2006 under The Planning Act C.C.S.M. c. P80
- Technical Review Committee 119/2011 under The Planning Act C.C.S.M. c. P80
- Council Members' Codes of Conduct Regulation 98/2020 under The Municipal Act, C.C.S.M. M225
- Local Authority Designation Regulation 121/97 under The Municipal Act, C.C.S.M. M225
- Local Urban Districts Regulation 174/99 under The Municipal Act, C.C.S.M. M225
- Municipal Status and Boundaries Regulation 567/88R under The Municipal Act, C.C.S.M. M225
- Municipal Board Tariff of Fees Regulation under The Municipal Board Act C.C.S.M. c. M240
- Airport Vicinity Protection Area Regulation 66/2021 under The City of Winnipeg Charter, SM 2002, c.39
- City of Winnipeg Boundaries Regulation 102/92 under The City of Winnipeg Charter, SM 2002, c.39

- City of Winnipeg Wards and Communities regulation 154/92 under The City of Winnipeg Charter, SM 2002, c.39
- City of Winnipeg Zoning By-law Procedure Regulation 65/2003 under The City of Winnipeg Charter, SM 2002, c.39

1.3. **Key planning concepts applicable to this review**

The landscape for planning and development decision-making is complex and includes many related powers and functions supported by many different organizations.

Readers of this statutory review that are not familiar with the underlying processes may benefit from reviewing the MNR's Planning Act Handbook at:

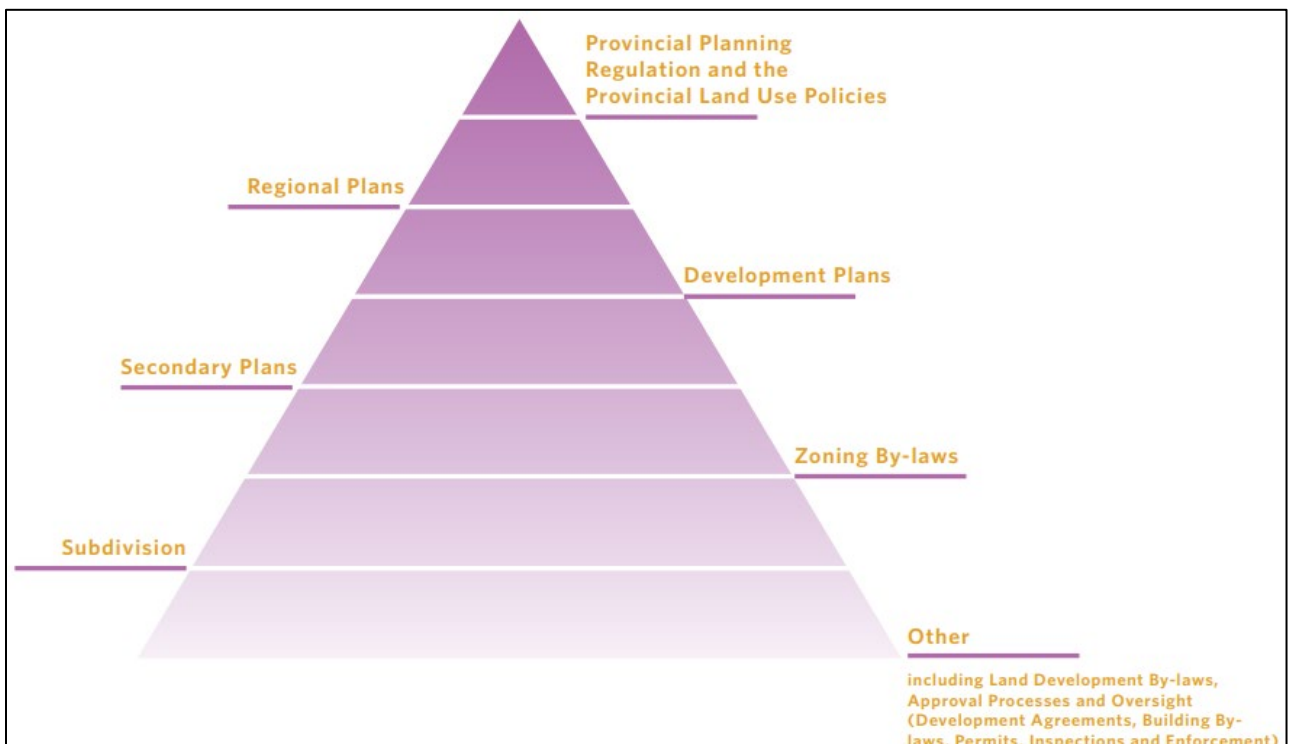
https://www.gov.mb.ca/mr/land_use_dev/pubs/the_planning_handbook.pdf

While there is variation in the processes followed by each municipality, this document provides a good general overview to all planning processes outside of the City of Winnipeg including those provisions introduced by the legislation subject to this review.

For the City of Winnipeg, the Planning, Property and Development Department maintains a good resource at: <https://legacy.winnipeg.ca/ppd/Zoning/DevelopmentApplications.stm>

Five basic concepts with greatest significance to this review are:

Figure 1: Hierarchy of Planning and Development Control



Source: *The Planning Act Handbook, Province of Manitoba (2023): Page 37.*

- **Land use decision making works within a hierarchy of policies and plans**
 - The Provincial Planning Regulation and Provincial Land Use Policies define the fundamental requirements established for land development in the province.

- All municipal development plans, including those for the City of Winnipeg must support and reinforce these requirements.
- Development plans, secondary plans, zoning by-laws, and subdivisions work within this framework at an increasing level of detail.
- Development plans are intended to guide development decision-making over a longer period (up to 20 or 25 years) while secondary plans and zoning by-laws provide more specific guidance to decision makers about a specific land use (e.g. housing, commercial development, quarry...) at the time of application.
- “Conditions” and/or “development requirements” are established by a planning authority to ensure that a development aligns with these policies.
- There are prescribed processes to ensure that the input of impacted land owners and the public are reflected in these policies and plans before they are finalized.
- The Minister has final approval authority over all development plans and their alignment with established Provincial Land-Use Policies.
- **There is a formal opportunity for input from impacted stakeholders, adjacent landowners, and the public in all stages of the process.**
 - The Province of Manitoba is required to undertake a consultation process in the establishment of the Provincial Land-Use Policies.
 - The Planning Act and City of Winnipeg Charter set out notice and hearing provisions that create an opportunity for stakeholders, adjacent landowners, and the public for all plan and policy approval.
 - The primary mechanism for this input is through a public hearing convened by the planning authority or municipal council.
- **Planning authorities are responsible to ensure that all development aligns with the approved development plan and zoning bylaws for each municipality**
 - The government establishes the role of planning authorities to oversee development through the Planning Act and City of Winnipeg Charter.
 - A municipal council is the default planning authority in Manitoba.
 - Municipalities can delegate all or part of its planning decision making authority to a planning district.
 - Municipalities also have the authority to establish a planning commission that can administer delegated approval functions outside of a council decision making structure.
 - Manitoba Municipal and Northern Relations Community Planning Branch supports all planning authorities with:
 - Administering the subdivision process (except for planning authorities specifically authorized to manage this activity)
 - Circulating all plans to relevant departments of the Manitoba government for comment (e.g. Canada Post, utilities, etc.)
 - Providing formal comments on all applications with respect to their alignment with provincial requirements and approved plans including a recommendation report to the planning authority and/or council
 - Delivering specialized planning support on a request basis
 - The City of Winnipeg is established as its own planning authority under the City of Winnipeg Charter.

- Winnipeg's Planning, Property & Development Department supports all application and plan circulation processes on behalf of all City of Winnipeg Departments.
 - It is responsible for providing formal comments on planning applications and making a recommendation report.
- **An application initiates the formal approval process. A development permit and/or a development agreement establishes the commitments of a project proponent and municipality following approval.**
 - Planning authorities establish the requirements for each type of application within the requirements established by legislation and regulation.
 - Following submission of the application, the planning authority notifies adjacent landowners, stakeholders, and the public of the application.
 - The planning authority also undertakes a review of the application to ensure that it aligns with the appropriate municipal plans, by-laws, and development standards.
 - The planning authority also circulates the application internally to understand the requirements for a development to proceed.
 - This process includes circulation of the plan to internal stakeholders responsible for infrastructure, transportation networks, and the provision of other services.
 - These requirements and a recommendation from the Planning Authority are included in a report provided to a municipal council to support decision making together with other information provided at the public hearing.
 - The requirements defined in this process often form the substantial part of a development approval.
 - These requirements are incorporated into the final approval by the council or planning authority and, often established as conditions in a development permit and/or a development agreement.
 - These documents confirm the development plan included in the application and include the requirements or conditions of its approval as well as any other commitments from the applicant or municipality to proceed with the project.
- **Municipalities have the authority in legislation to delegate some of their powers to a “designated official” or “designated employee”**
 - This scope of the designated functions will depend on the requirements of each planning authority.
 - Generally, a designated official can make decisions on the completeness of an application, provide assistance with approval processes, and make delegated approval decisions authorized by council.

1.4. *Environmental factors affecting this review*

Throughout the course of the project, the review team identified a number of factors that had an impact on the conduct of the review and/or the perspectives of participants. Many of these factors were identified by participants as important during the review process and may assist the reader in understanding the full context of the review.

These factors are provided here in no particular order together with some feedback on their relevance to the review:

- **Provincial by-election**
Manitoba conducted a byelection for Tuxedo for a 30-day period ending June 18, 2024. Neither the Department nor the review team was able to communicate with review participants or the public leading up to, and during this period, due to campaign communication restrictions defined in The Election Financing Act (C.C.S.M c. E27).
- **New direct funding initiatives for municipalities**
After the legislation was implemented, the federal government introduced a number of programs providing direct financial support to municipalities. The most significant of these is the Housing Accelerator Fund (HAF). All municipal participants noted that this new program has increased the urgency for municipalities to find ways to streamline housing development in order to access funding supports. This has directly increased the willingness/interest of most municipalities to consider accelerated approval process change as well as to investigate significant realignment of community development plans and zoning by-laws to meet program funding criteria. This level of engagement did not exist at the time the legislative change was implemented in Manitoba. Municipal stakeholders believe that funding programs that have direct municipal performance criteria will expand over time and move into future programs like infrastructure investment. The review team was aware that MNR and stakeholders were engaged in discussions about changes to the objector referral provisions to improve their ability to deliver on housing commitments. Manitoba announced Bill 40 with this objective on October 16, 2024.
- **Increased interest in planning and populist sentiment**
All municipal governments in Canada, and in many other countries, are experiencing an increased activity and interest in community planning and development processes. This includes participation by individuals and groups that have developed positions based on misinformation and broad populist theories being advanced through social media. In many cases, these stakeholders have taken extreme positions on issues ranging from land use to density to transportation planning. During the course of the review, there was strong opposition expressed to the approval of Winnipeg Metropolitan Region Plan20-50 as part of its formal public hearing process and through formal delegations registered at council meetings of several WMR municipalities. This activity was accompanied by verbal threats of violence against many elected representatives, administration officials and the public service. Participants in this review noted that this decision-making context was not contemplated when the legislation was implemented. They noted that this experience has shaped their perspective on the implications for overall municipal governance as well as the performance of key aspects of this legislation.
- **Government decision to introduce changes to legislation under review**
During the course of the review, the Province of Manitoba announced its intention to change provisions of the regional planning board legislation to allow municipalities to opt out of the Winnipeg Metropolitan Region. This legislation is in scope of this review. It is the prerogative of the government to implement any legislative change at any time. Following the announcement, the review team noted a change in the tone and direction of the feedback from many municipal participants. Many participants made formal requests to be re-engaged and to provide additional perspective based on government's actions.
- **Operational review of the Municipal Board**
A key component of the legislation under this review encompassed expanded appeal processes for planning and land development decision making at the Municipal Board. The review team noted that the Municipal Board initiated an internal operational review while the statutory review was underway. The scope and direction for the operational review is entirely separate from the legislative review process. While there was some

opportunity for the two review teams to share findings, there was no opportunity for the legislative review team to have input into operational review findings.

1.5. *Organization of this document*

This report is organized into the following sections:

Section Two presents review outcomes (“What We Heard?”) summarized into 9 key themes. For each theme area, stakeholder and public feedback are summarized together with independent analysis conducted by the review team. This section includes feedback on the review process and regulatory performance data analysis provided by participants during the review.

Section Three sets out the recommendations for future policy, operations, and legislative change for consideration by the Manitoba government.

Appendices have been included to provide additional detailed information wherever applicable. A full description of the statutory review methodology together with any limitations of this approach is included in this section as **Appendix B**.

2. Themes: “What We Heard?”

This sets out review outcomes summarized into 9 key themes. For each theme area, stakeholder and public feedback are summarized together with independent analysis conducted by the review team.

The 9 theme areas as follows:

- Consistency, clarity and certainty in the legislation
- Implementation resourcing and supports
- Planning and development approval processes
- Balance between provincial interest/strategic assets/economic development and community interest in land development and planning decision making
- Regional planning board formation and governance
- Regional plan role, emphasis and adoption
- Role of the Municipal Board as appeal body for planning and development decisions
- Effectiveness of Municipal Board processes for planning and development decisions
- Balance between landowner rights and community interest in land development and planning decision making

This section also includes feedback on the review process and regulatory performance data analysis provided by participants during the review.

Feedback has been summarized to reflect participant feedback. The approach to consolidate this information is set out in **Appendix B**.

Summary response definitions

The review team has grouped findings that can be attributed more directly to a segment of project participants where applicable.

In this context, the following segment definitions are applied consistently throughout this report:

- Participant(s) – an individual or group of participants in any phase of the statutory review project.
- “Specific group” participants – a segment of the participants with a common role or perspective as in “municipal participants” or “government participants”.
- Stakeholders – all individuals or organizations with a direct interest in the legislation subject to this review.
- Public – refers in the appropriate context to all citizens of Manitoba or specific comments attributed to a citizen impacted by the legislation as distinct from other stakeholders with a more formal interest in the legislation subject to this review or responses from the public survey conducted on EngageMB.
- Department/The Department/MNR – findings or feedback or actions related to Manitoba Municipal and Northern Relations as the responsible department for the legislation subject to this review.
- Manitoba government/government – findings or feedback or actions specifically directed at the Manitoba government.

Quantifying the aggregate perspective of a specific stakeholder group is particularly challenging, especially when many sessions were conducted in a workshop setting with multiple participants.

To assist readers of this report understand how the review team summarized the feedback it has received, the following definitions have been adopted throughout the report:

- All participants – comments or feedback that would apply to essentially all participants without exception
- Majority – comments or feedback that would apply to a majority of participants, with a strong majority being 75% or more of participants
- Minority – comments or feedback that would apply to a minority of participants, with a strong minority being 30% or more of participants

Where the review team has included its own observations or perspective, this commentary or feedback is specifically attributed to the review team throughout the report.

Where appropriate to add context to findings, quotes from review participants are identified as shared with the review team as follows:

“This is an example of the formatting for a representative quote where confidentiality has been maintained by the review team.” – Source/participant role

2.1. Consistency, clarity, and certainty in the legislation

Review participants were almost universal in the perspective that the planning legislation in scope of this review did not achieve the intended goal of creating consistency, clarity, and certainty. This perspective was shared by all key stakeholder and the public.

The majority of review participants share the perspective that the concepts informing key aspects of the legislation have merit, including a structured approach to regional planning, setting timelines and service standards, requiring reasons for decisions by councils and establishing an independent appeal function.

The key themes expressed by participants focused on the overall implementation approach to the legislation including the process to establish the specific language and supporting regulations it contains. They included:

- Complexity of the legislative changes and their integration within The Planning Act and City of Winnipeg Charter making interpretation difficult
- Lack of clarity on the interpretation and application of certain provisions in the legislation resulting in further divergence in processes between municipalities
- Drafting inconsistencies between the Planning Act and City of Winnipeg Charter as well as concerns about “errors” that were not addressed during implementation
- Concerns that feedback from stakeholders involved in the consultation process was not incorporated into the legislation and regulations

The drafting approach is seen by a majority of participants as overly “heavy-handed, top-down and regulatory”. They noted that the legislation has been established with an emphasis on compliance, instead of being formalized as enabling legislation that would facilitate expedited decision making across all entities involved in planning and development decision making.

Municipal stakeholders were near unanimous that the legislation has diminished the role that municipalities have in planning and development decision making by setting out a regulatory framework that emphasizes compliance instead of collaboration. They noted that it would have been more effective to develop strong enabling legislation that reframed challenges as a common problem that spans across all organizations involved in planning decision making. This could have been supported by setting out more broadly defined policy outcome expectations that would align all organizations involved in planning decision making processes.

All municipal stakeholders acknowledged the government has a constitutional role to establish performance standards and define the expectations for municipal government. They raised concerns, however, that the balance between local autonomy and the provincial oversight role has been negatively impacted by this legislation.

Many rural municipal stakeholders stated their belief that the legislation was developed to address the performance of a small number of municipalities including the City of Winnipeg. They shared the perspective that a “broad brush” approach was not necessary, and the emphasis should have been placed on managing outcomes in municipalities where there were performance issues. One participant made a representative statement that noted:

“Department officials always retained powers to address non-performance through identifying performance concerns on an individual municipality basis and through engagement at that level. There was not a requirement to address this in such a broad-brush way through legislation.” – Consultation participant

All municipal stakeholders shared the perspective that there were alternative approaches to the legislation that could have been employed to improve “buy in” and alignment from the outset including:

- Incorporating clear policy principles or parameters that are applicable to all municipalities, planning authorities and government departments and agencies
- Clearly articulating the reasons for changes, expected outcomes, and how performance will be measured under the legislation to reduce uncertainty and resistance
- Engaging municipalities early and often in the process of developing new objectives or standards that would be incorporated into the legislation
- Implementing changes on a pilot basis in select municipalities before rolling them out province-wide, allowing for refinement of the approach
- Establishing a phased rollout of changes so that municipalities, developers, and the public had time to adapt and adjust to new processes
- Allowing for some degree of local adaptation to account for unique municipal circumstances, while maintaining core provincial objectives
- Ensuring that the process for evaluating municipal performance was transparent and fair, with clear criteria and opportunities for municipalities to address concerns
- Incorporating a mechanism for ongoing review and adjustment of the objectives and processes, incorporating feedback from municipalities and stakeholders

Representative statements from stakeholders reflecting this perspective include:

“The core motivation of improving coordination and efficiency in planning decisions is a good one. However, the existing legislation is too heavy-handed and takes away too much power from local governments and municipalities.” – Consultation participant

“Subsidiarity is the principle that all decision-making should happen at the lowest competent level and Bills 34 and 37 seem to be based on the assumption that there is no competent decision-making at the local level. That's generally not true. People care deeply about their communities and while occasionally mistakes are made, decisions are predominantly competent at the local level. If these Bills were edited to acknowledge subsidiarity, to acknowledge that there is competent decision-making at the local level, it would be easier to get to the important goals of delivering affordable housing and addressing homelessness” – Consultation participant

“...[W]e strongly believe that the role and autonomy of local governments should be maintained. We also fully support the notion that municipal Councils are in the best position to make decisions based on their knowledge and understanding of their communities. It is their mandate as elected

representatives to make decisions based on local priorities and context.” – AMM formal submission

Development and industry stakeholders shared the perspective that there continue to be challenges impacting the effectiveness of planning decision-making processes in many municipalities, and that the overall effect of the legislation has not improved the situation. They noted that in response to the legislation many municipalities implemented new and varied processes for application processing and review. They also noted that the legislation has impacted the willingness of many municipalities to engage in shared planning processes especially at the concept stage because of concerns about missed timeframes. They also noted that it has significantly impacted the decision-making processes for many councils who are worried that decisions made locally will be overturned on appeal. Together, these indirect impacts have resulted in increased uncertainty and the establishment additional decision-making steps that have increased timeframes.

Some representative statements from developer and industry participants about the legislation overall included:

“There are significant inconsistencies in the use of terms and categories in different areas of the legislation within the City of Winnipeg and between municipalities, despite promises of standardization when the legislation was introduced.” – Consultation participant

“There have been way too many cooks in the kitchen developing this legislation, and if simply put, there has been a flawed outcome.” – Consultation participant

“Even experienced developers face challenges working under the new legislation and we are concerned about the impact it has had on the average citizen building a deck or on new entrants into our market.” – Consultation participant

“Have the changes resulted in consistency, clarity and certainty? No, in fact, the opposite has been true for the development industry. The changes to Manitoba’s planning legislation have created additional processes and roadblocks rather than streamlining processes and improving approval timelines.” – UDI formal submission

Legal profession participants shared the perspective of other stakeholders that the legislation has been successful in establishing some minimum expectations. Specifically, they noted that the establishment of timeframes and the introduction of an appeal mechanism have been generally well received by those seeking accountability in the planning process. These participants were concerned, however, that the legislation has too much room for interpretation in many areas and does not provide enough guidance about expectations, especially about the role of the Municipal Board as an appeal body. Legal profession participants noted that these types of gaps in legislative guidance have resulted in very inconsistent decision making at all levels from application to appeal. This perspective can be represented in the following representative quotes:

“I have no idea what the intended outcomes ever were of the legislative changes, whatever the intent was that was, what the problem was? What was the issue? Because the changes were pretty broad.” – Consultation participant

“I know they tried to achieve some sort of consistency, but I think there is a challenge in trying to do that, and because everything doesn't fit within that little round hole and as a result it's a crapshoot as to what [councils decide] and how they're going to interpret the legislation.” – Consultation participant

“I think if you look at other legislation, particularly in Ontario and other provinces, they have built into the legislation [process and guidance] about how

to operate within the established constructs. We have none of that in Manitoba.” – Consultation participant

All participants expressed concerns about limitations in MNR’s ability to provide meaningful support for the interpretation and application of the legislation as a key challenge. They noted that a lack of adequate guidance eroded support for the legislation and contributed to frustration on the part of all stakeholders and the public on many aspects of the legislation. Key concepts identified consistently by participants throughout the review requiring more clarification included:

- The role and scope of the Municipal Board’s authority
- Procedural and coordination challenges resulting from new timeframe expectations
- Many aspects of the process to establish the capital planning region
- The process to develop the initial capital region plan

The review team summarized specific sections of the legislation where a requirement for interpretation or refinement was identified by participants. The review scope did not include detailed analysis of the identified clauses for accuracy or legislative intent. These are included in **Appendix F**.

Participants were universal in the perspective that the legislation requires clearer definitions, parameters and guidance to achieve the original objectives.

A strong majority of participants share the perspective that comprehensive improvements to the legislation are required.

Formal submissions received from AMM and UDI advocated for a process to redefine and clarify the legislative intent to establish a new framework that builds from the strengths and weaknesses identified in this review.

A significant minority of stakeholders believe that either the entire set of legislative changes or key sections of the legislation should be repealed or reframed entirely. This perspective is also shared by a minority of stakeholders represented in the public survey.

2.2. Implementation resourcing and supports

Background on the process to establish the legislation and inform stakeholders on its impact

The review scope does not include a full analysis of the process to establish the legislation, however, the review team believes that some context is relevant to readers of this review.

Following direction from government to initiate a process to develop this legislation, MNR undertook a significant consultation and communication program with stakeholders beginning in 2019. This engagement extended to the summer of 2022 and incorporated updates associated with milestones where various parts of the legislation were proclaimed.

In addition to working with an advisory group comprised of various professionals, industry and municipal stakeholders, MNR completed over 80 consultation and communication sessions focused on service and appeal timeframes under the legislation and an additional 15 sessions, focused on regional planning board implementation in the capital region.

The review team notes that the timing of the roll out occurred during various phases of the COVID-19 pandemic, and as a result, most consultation sessions were conducted using virtual meeting technology. MNR representatives and all review participants acknowledged the challenges the pandemic introduced during this process.

The Department has created comprehensive implementation guides supporting the changes for all three bills and published an updated Planning Act Handbook in January 2023.

Feedback on the legislation in scope of this review

All review participants share the perspective that the roll out process following proclamation of the legislation did not adequately anticipate the scope and scale of the change impacts for all stakeholders. They noted that the roll out plan did not provide for the appropriate resourcing and change supports to ensure it could be successfully implemented.

All review participants shared the perspective that, as an integrated set of changes, the legislation represents a major realignment of the process expectations across all planning authorities and government.

In that context, participants noted that the establishment of a formal regulatory structure with defined decision-making timeframes and appeal rights created a “perfect storm” without additional investment at all levels. They noted that these impacts were particularly significant as the impact of the legislation was being experienced just as development industry activity resumed to pre-covid levels.

Key areas identified by municipal and industry stakeholders that may have benefitted from incremental resource investments included:

- Training of industry participants as well as municipal staff and councils on decision making expectations under the legislation and the application of new requirements like formally documenting council’s reasons to not approve an application
- Investment in new or upgraded technology to support planning application processing especially in municipalities with high levels of development activity
- Resources to support processing, tracking and reporting on approval processes set out in the new legislation including provincial review departments with a role in planning and development application processing
- Resources to support appeal and referral process requirements including preparation and attendance at appeal and referral hearings under the legislation

All review participants acknowledged efforts on behalf of the department to provide information and support. They noted, however, that the MNR team’s ability to support the roll out was not supported with necessary investment in change management and communication supports.

Many review participants noted that feedback provided during the consultation process anticipated many of the impacts now being experienced on the ground and that a more effective implementation plan may have reduced the impacts in most areas.

Most public participants shared the perspective that there is not enough information available on the legislation that is targeted at individual members of the public. They noted that the resources developed to support the roll out are highly technical and primarily focused on the needs of the development community and municipal decision makers. They identified weaknesses in the communication associated with the implementation of the legislation, and in particular, the communication about capital region formation and Plan20-50. Details on these topics can be found in **Section 2.5** and **Section 2.6** of this report. Two representative quotes from public survey participants expressing this perspective are as follows:

“[There is] a lack of understanding by the public in the process, role and scope of Manitoba and its [planning] processes.” – Public survey participant

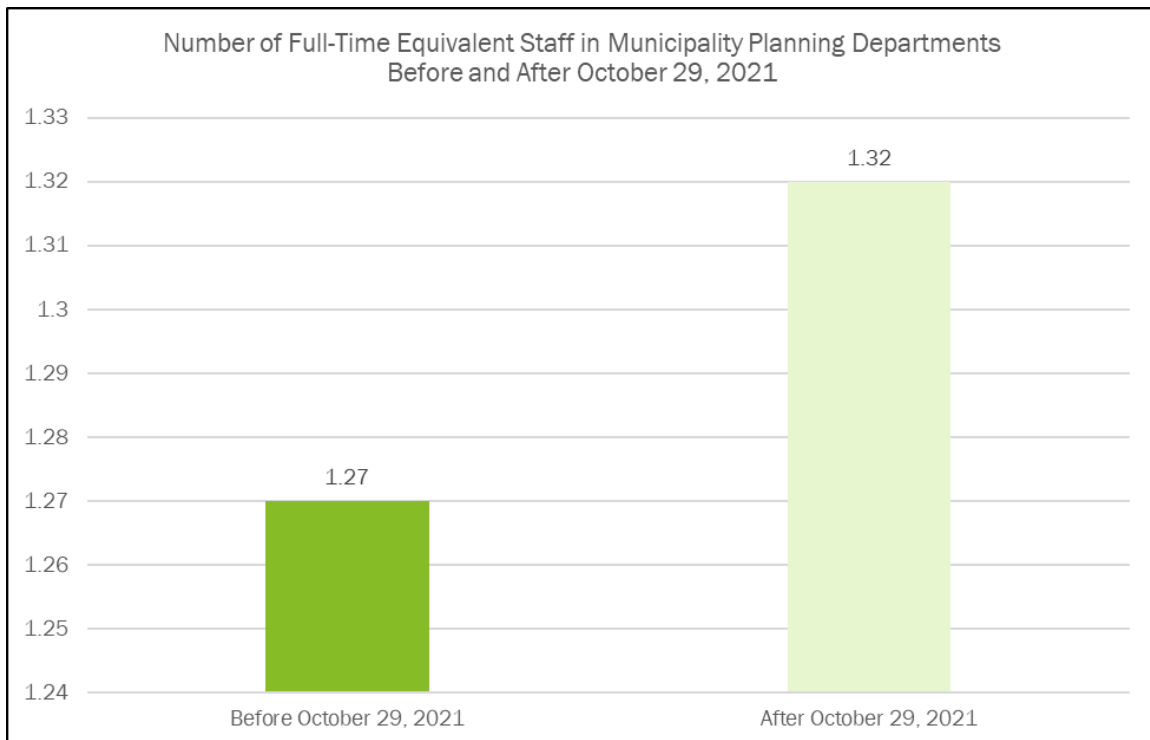
“The terminology and concepts in this legislation have not been made accessible to the average person so that they can understand how it benefits them in any way.” – Public survey participant

To understand some of the resource impacts experienced by municipalities under the new legislation, the review team incorporated questions in a survey to all municipalities about this topic. The complete analysis can be found in **Appendix E**.

In response to this survey, 65% of municipalities indicated that there had been little to no impact on their operation as a result of the legislation.

They identified the main area of impact to be an increased requirement for staff support to manage and track applications as a result of timelines established by legislation. For these municipalities, the increased staff requirement before and after October 29, 2021 is shown as follows:

Figure 2: Number of Full-Time Equivalent Staff in Municipality Planning Departments Before and After October 29, 2021



Source: Municipality Survey.

For larger municipalities including the City of Winnipeg, review participants confirmed that these resource impacts could be absorbed into existing teams but that this resulted in a corresponding impact on overall processing timelines.

Some representative quotes from participants in the municipal data survey on this topic are:

"No change in our operation, but increased time and effort in documentation." – Municipal survey respondent

"Development permit system was implemented in 2021 and city allocated more staff time to meet the obligations." – Municipal survey respondent

"Timelines have shortened so it seems everyone is stressed and harder to reach. We have to prioritize some applications. We also have incurred a development plan review cost of approximately \$70,000 for a plan we really don't want to update." – Municipal survey respondent

"There really are no significant changes or impact, the only thing being is our municipality is extremely bus, and at times, it is difficult to stay on track with deadlines." – Municipal survey respondent

“No significant changes experienced since 2021. [Some of the pressure] could be partially due to a slow down in development in 2020, 2021 and 2022. A return to normal has only recently occurred.” – Municipal survey respondent

All municipal, development, and industry stakeholders noted that there has been a significant increase in resource time and investment associated with the appeal and referral process. The detailed feedback on this process established under the legislation is provided in **Section 2.8**. For those participants that have been exposed to an appeal, they have identified significant increased costs for:

- Staff and leadership participation preparing and attending appeal hearings
- Investment requirements for legal services, planning and other professional services firms to support the application or to defend an appeal or referral filing

MNR participants expressed similar concerns associated with their support and participation of appeal and referral hearings through the Community Planning Branch.

The perspective of other review participants on this theme captured as representative quotes is as follows:

“In regard to costs being incurred by our members due to an increase in appeals, the examples provided by some municipalities to our office show that each appeal can cost \$60,000-\$100,000+ per appeal due to legal fees, personnel costs, disbursements, printing, and postage.” AMM formal submission

“Municipal government must have a large budget set aside to cover the legal costs that result when companies with very deep pockets challenge a council decision.” – Consultation participant

“... the threat of appeals represents significant financial risk which cannot be budgeted for in advance. Examples we have heard of are over \$100,000 and this represents more than [our community] spends on planning resources in a calendar year.” – Consultation participant

Departments and agencies involved in the review of applications under the legislation expressed many concerns with its rollout including:

- A general lack of awareness of the legislation despite the fact that it had been in force for three years (The review team noted that only 3 out of 18 participants indicated that they had knowledge about the legislation before the review consultation session)
- Concerns about the lack of communication regarding the new legislation for municipal governments and the expectation it placed on other departments that were working with other legislated mandates that do not align with the changes to the Planning Act
- Concerns about the ability to meet the new timelines at current staffing levels with little engagement from MNR to prepare for the new requirements in an environment with limited ability to access new funding

Some representative quotes from departmental review participants about the legislation implementation and resource supports are as follows:

“It seems like this legislation was like building a NASCAR team, highlighting the lack of resources and the need for millions of dollars before the team can start racing.” – Consultation participant

“[The review team’s] package was very informative, and you know, all the timelines were there, and it’s like, how did we not learn about this before?” – Consultation participant

“At this juncture, it’s just not really realistic for us to be meeting [those legislated expectations] due to a variety of issues” – Consultation participant

Development and industry stakeholders shared these concerns expressed by review departments for all type of applications. They noted that specialist department resources were already under resourced to provide necessary planning studies and information that is fundamental to successfully undertake a development project. These participants shared their perspective that the new legislation further complicated the ability of these departments to fulfill their overall mandate while meeting the new requirements for planning and development decision making processes.

2.3. Planning and development approval processes

The legislative changes to establish a common planning and development approval process introduced several new concepts including:

- Service standards for processing and council decision making for applications resulting in zoning bylaw changes, subdivisions, conditional use application for quarry and aggregate and livestock operations, and development agreements
- Service standards for determining the completeness of various planning applications by a designated official or planning authority
- Establishing a requirement for councils to provide reasons for decisions not to approve planning and development applications
- Service standards for the completion of development agreements following a council decision.

These changes include un-proclaimed parts of the legislation related to major developments.

The implemented legislation relies on procedural requirements for decision making that are established in the Municipal Act, Planning Act and City of Winnipeg Charter. Decision making processes are enabled by the legislation, procedure by-laws, and administrative policies and procedures that are the responsibility of individual municipalities and planning authorities under these pieces of legislation.

Feedback on the legislation in scope of this review

While most review participants supported the concepts informing the legislation that work to establish a common service standard and approval process across the province, they shared the perspective that the implementation of this aspect of the legislation has been difficult, resulting in many unintended consequences.

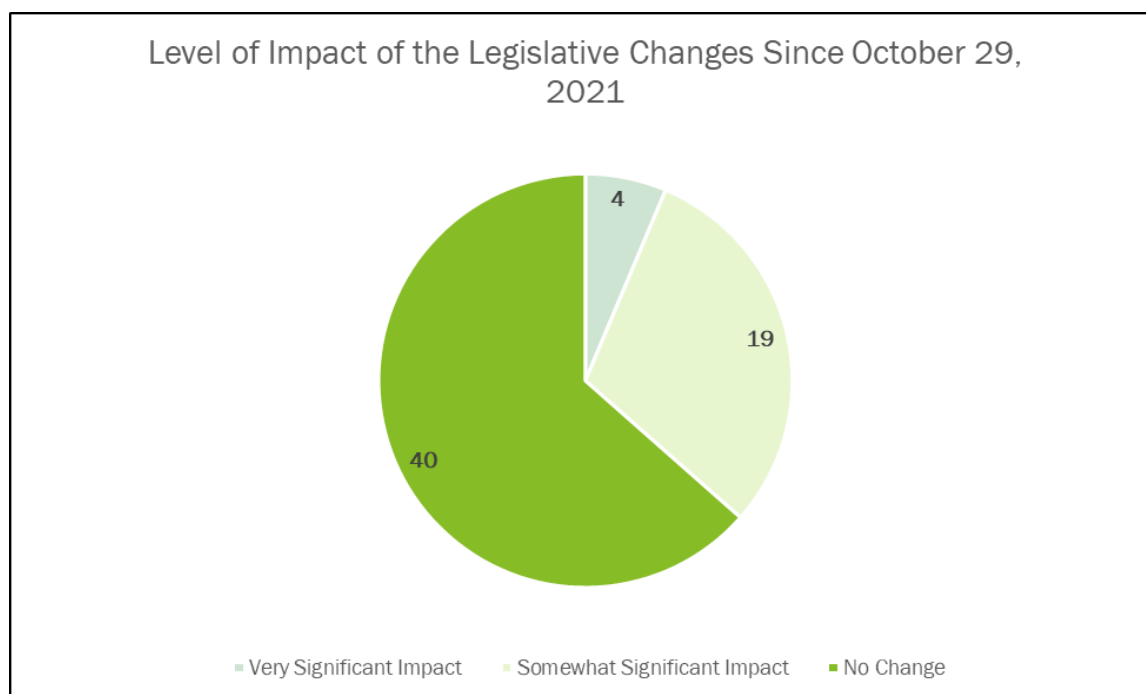
Review participants noted that the impacts of this aspect of the legislation have been variable across the province as shown by the response to the municipal survey conducted by the review team in Figure 3 below. Details on this survey can be found in **Appendix E**.

Many municipal and planning district participants outside of the capital region reported that these changes have had no impact on their operation or effectiveness. These participants noted that they had existing processes in place to facilitate development and planning applications that brought internal departments together to quickly identify municipal requirements and support project proponents with application and approval processes. Participants in this group were situated in areas of the province experiencing both higher and lower levels of planning and development activity.

In contrast, 37% of survey respondents reported that they experienced a somewhat significant or very significant impact from the legislation. The main areas of impact identified by these survey participants included challenges with processing times, introduction of processes for tracking and managing applications, and resource challenges associated with new decision-making implemented in response to the legislation.

These survey results align with feedback from consultation participants that the impact of these changes was experienced inconsistently by some municipalities, and in particular, within the City of Winnipeg.

Figure 3: Level of Impact of the Legislative Changes Since October 29, 2021



Source: Municipality Survey.

Municipal and planning district participants operating under the Planning Act consistently identified the challenges to meet the new timelines and process requirements due to lack of staff, funding, and technological resources resulting in delays and difficulties in processing applications efficiently. Some of these participants shared that the legislation has “almost created a sense of paranoia” about timelines on the part of some municipalities, resulting in a more bureaucratic process that makes it harder for municipal governments and planning districts to be customer-friendly.

Many municipal participants report that they have changed how they make decisions, particularly in providing reasons for rejections. They share that in many cases their Council has added additional steps or extended decision-making timelines. These participants shared that they often find the new timelines difficult to meet, especially for complex applications or when dealing with provincial departments that are slow to respond with comments or requirements within established timeframes.

A majority of these stakeholders noted that they would benefit from a range of supports including standardized templates and direction on required decision-making processes in order to help further streamline approval processes across the province.

Many City of Winnipeg participants noted that the implementation of the legislated requirements was particularly challenging, particularly as it coincided with increased activity near the end of the COVID 19 pandemic. They noted several initiatives were implemented to action the legislation including service level agreements with review departments, establishing release & indemnity agreements to facilitate construction while a development agreement is being finalized and realignment of development approval functions. These participants noted that some actions did not have positive impacts. In its formal submission, the City of Winnipeg noted that some of the service standard provisions do not allow for consideration of existing Council decision making processes including hearing adjournments. The City’s formal submission included a list of

specific provisions requiring clarification or revision. These have been incorporated into **Appendix F**.

Development and industry participants identified challenges attributed to this aspect of the legislation including:

- Less transparency by some municipalities, particularly at early stages of a project, because of concerns about missed timeframes especially about the completeness of applications
- Establishment of new procedures by some municipalities outside of established processes in the legislation with an emphasis on pre-application activities
- Variation and inconsistency of decision-making processes between municipalities across the province
- Lack of accountability for timely, consistent, and complete feedback by MNR and other government review departments involved in planning and development approval processes within timeframes set out by legislation
- Lack of accountability for timely, consistent, and complete feedback by departments at the City of Winnipeg involved in planning and development approval processes within timeframes set out by legislation

Many municipal, development and industry participants noted that this legislation could be strengthened by reinforcing a stronger collective emphasis on facilitating development instead of seeing planning decision making as a control function. These stakeholders noted that:

- Several Manitoba municipalities (including frequently identified examples Neepawa, Dauphin, and South Interlake Planning District) have an excellent approach to facilitating planning and development processes
- Participants noted that the experience of cities like Kelowna, Calgary and Edmonton should be considered for further evaluation
- They noted the key differences associated with processes in these jurisdictions compared to most Manitoba jurisdictions as follows:
 - They have total alignment and commitment to facilitate economic development and land development as a priority for all departments
 - They maintain structured application processes with transparent requirements for submission requirements at each phase in the process
 - These jurisdictions have clear processes to complete the initial application review that identify all requirements and conditions for project approval up front
 - These organizations utilize development agreements with standard schedules and terms to accelerate timeframes

The balance of this section provides more detailed feedback on specific aspects of the legislative changes intended to establish a common service standard and process across the province. It incorporates the feedback of all review participants and the public in addition to providing an analysis of timeline impacts completed by the review team.

2.3.1. Timelines

All review participants agreed that the concept of timelines for planning and development applications has merit.

The standardized timelines have provided some consistency and clarity for developers and municipalities about service standard expectations. This has generally been appreciated by stakeholders in the development industry and the public.

The key limitations of the legislated timelines identified by the majority of review participants are:

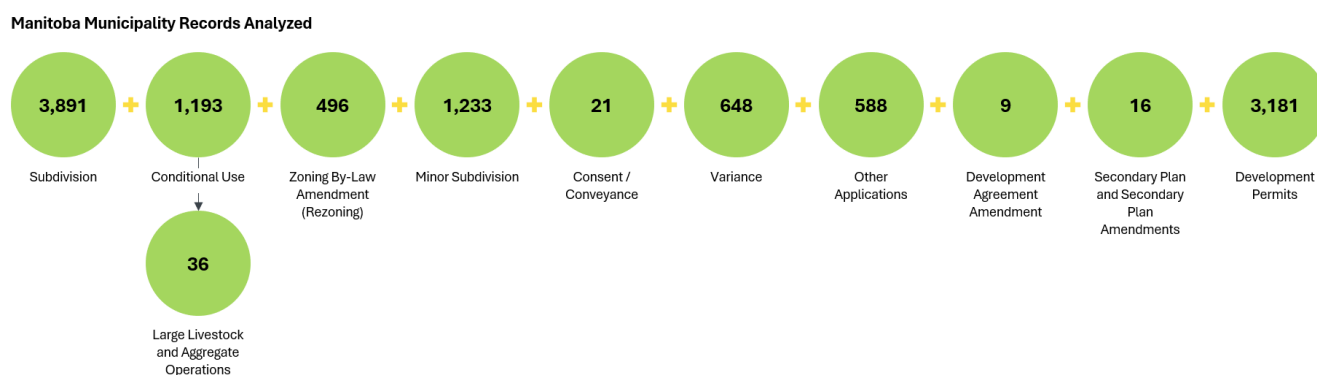
- The timelines don't account for the varying complexity of different applications. More complex projects often require additional time for proper review and consultation. This can lead to incomplete reviews or administrative recommendations to council, potentially compromising the quality of decision making and effectiveness of public hearings.
- The specified timelines do not provide adequate response timeframes especially when multiple departments or external agencies need to be consulted. This is particularly evident in cases involving provincial departments, where delays in responses can impact the overall timeline.
- Many municipal and planning district participants noted it was difficult to balance the need for thorough public consultation with the prescribed timelines, especially for contentious or complex applications.
- While the legislation allows for timeline extensions, some stakeholders feel that more flexibility is needed to accommodate unique circumstances or unforeseen challenges.
- The variation in timelines established between the City of Winnipeg Charter and Planning Act have created inconsistent expectations that make it difficult for project proponents working in many areas of the province.
- The stated timelines do not provide for municipalities to accommodate procedural delays, Council breaks/prorogue periods, or provide guidance about the applicability of periods when council decision making would be suspended (e.g. during an election).
- The timelines do not adequately account for the impact of appeal and referral processes on overall decision-making process, especially given delays experienced when an application is referred or appealed to the Municipal Board.

The review team conducted an analysis of timeframes specified under the legislation. The full analysis can be found in **Appendix E**.

Timeline impacts under the Planning Act

A total of 8,106 planning and development records were provided by municipalities. An additional 5,124 records were provided by MNR containing detailed timelines and critical dates for standard subdivisions and minor subdivisions. All analysis focused on the period after October 29, 2021 when these provisions came into force.

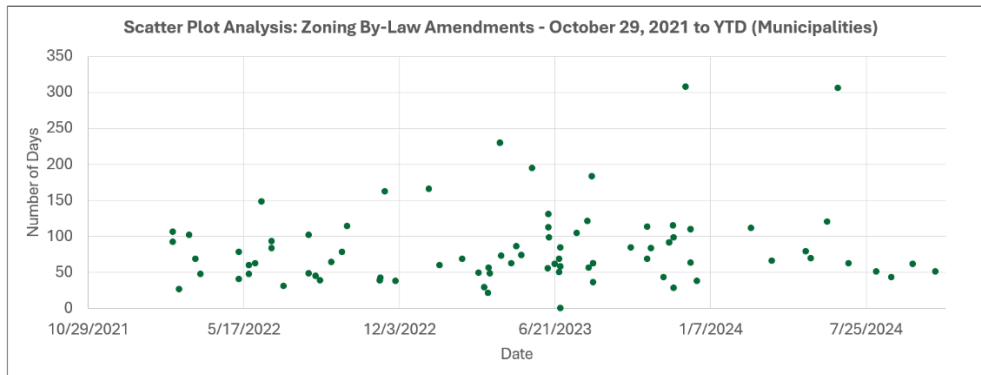
Figure 4: Manitoban Municipality Records Analyzed



Source: Municipality Data Request.

Graphs showing the performance of municipalities against the established timelines follow below:

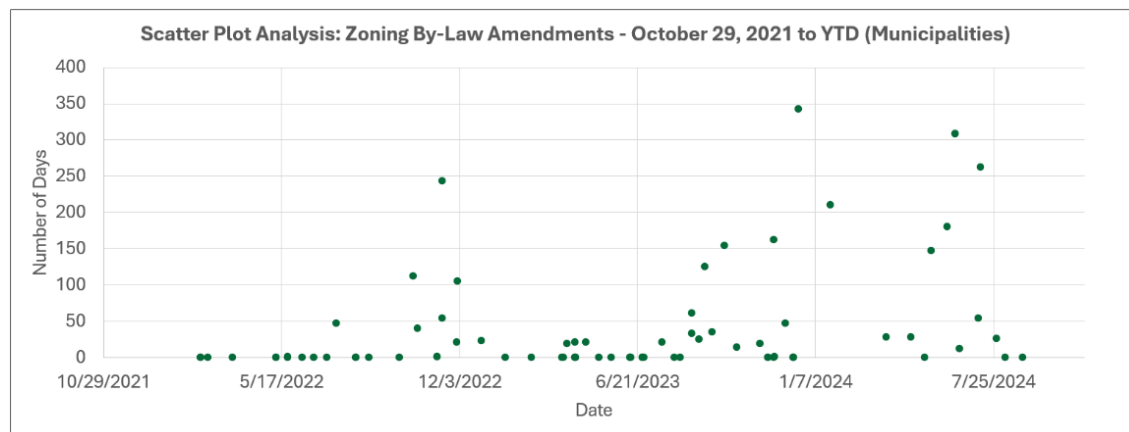
Figure 5: Municipalities Zoning By-Law Amendments – 90 Days from Date Application is Made to Hearing



- ✓ Records Analyzed: 85
- ✓ Mean Days Observed: 84
- ✓ Median Days: 68
- ✓ Minimum Days: 1
- ✓ Maximum Days: 308

Source: Municipality Data Request.

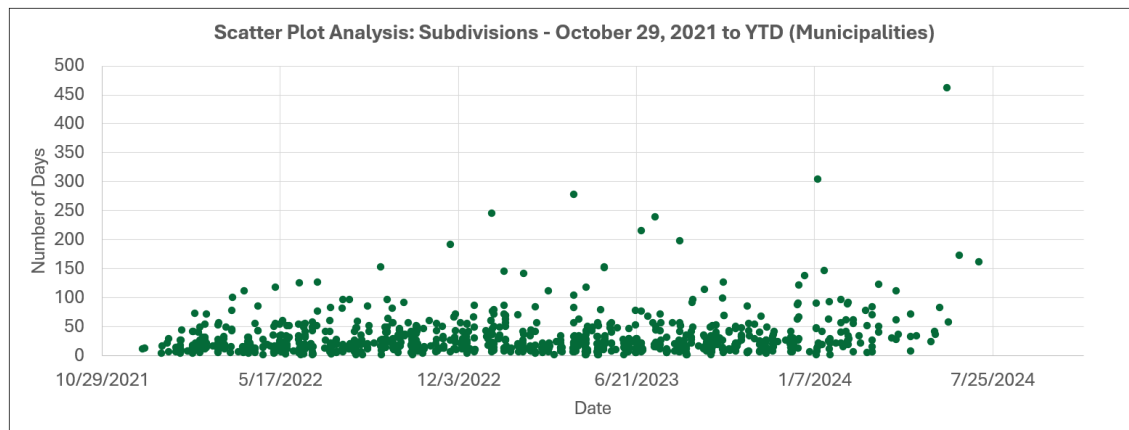
Figure 6: Municipalities Zoning By-Law Amendments – 60 Days from Hearing to Council Decision or Referral to The Manitoba Municipal Board



- ✓ Records Analyzed: 89
- ✓ Mean Days Observed: 37
- ✓ Median Days: 37
- ✓ Minimum Days: 1
- ✓ Maximum Days: 143

Source: Municipality Data Request.

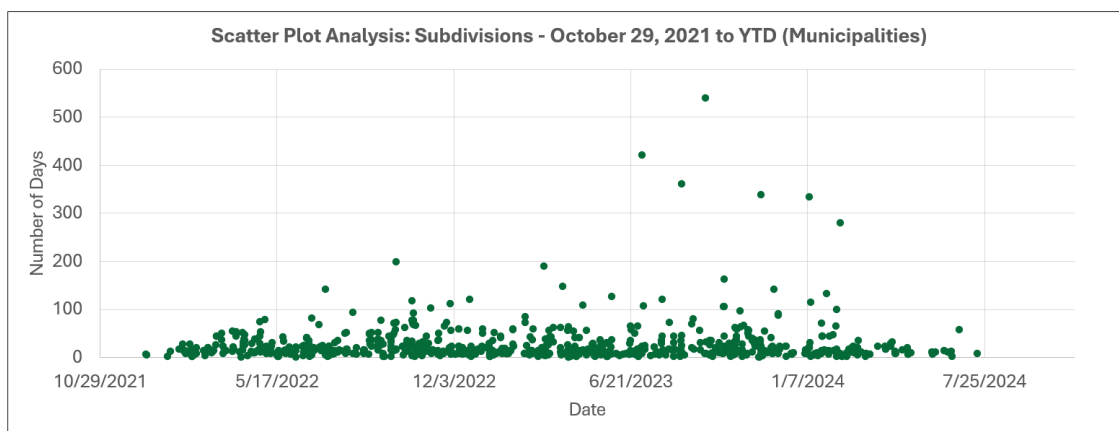
Figure 7: Municipalities Subdivisions – 90 Days from Date Application is Received by Council to Resolution



- ✓ Records Analyzed: 885
- ✓ Mean Days Observed: 31
- ✓ Median Days: 21
- ✓ Minimum Days: 1
- ✓ Maximum Days: 462

Source: Municipality Data Request; Manitoba MNR.

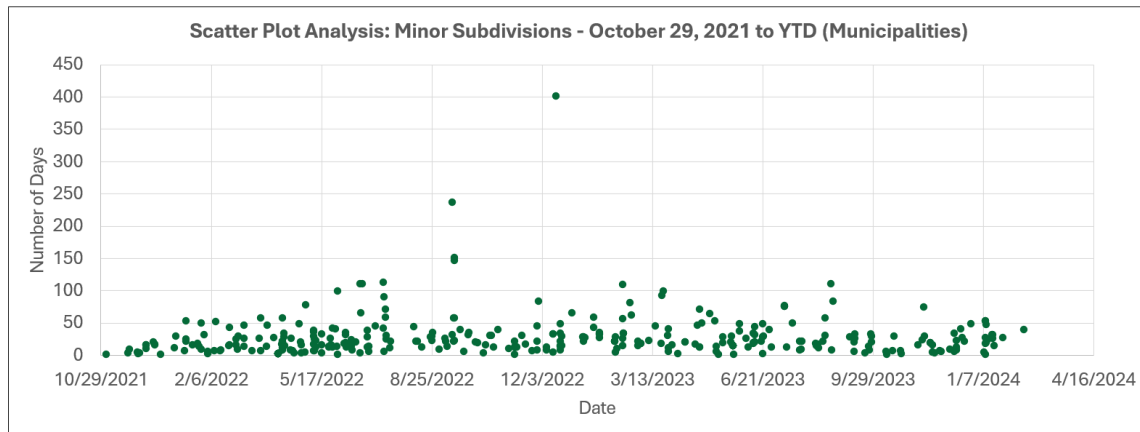
Figure 8: Municipalities Subdivisions – 60 Days from Date of Council Resolution to Approving Authority Decision



- ✓ Records Analyzed: 897
- ✓ Mean Days Observed: 24
- ✓ Median Days: 14
- ✓ Minimum Days: 24
- ✓ Maximum Days: 549

Source: Municipality Data Request; Manitoba MNR.

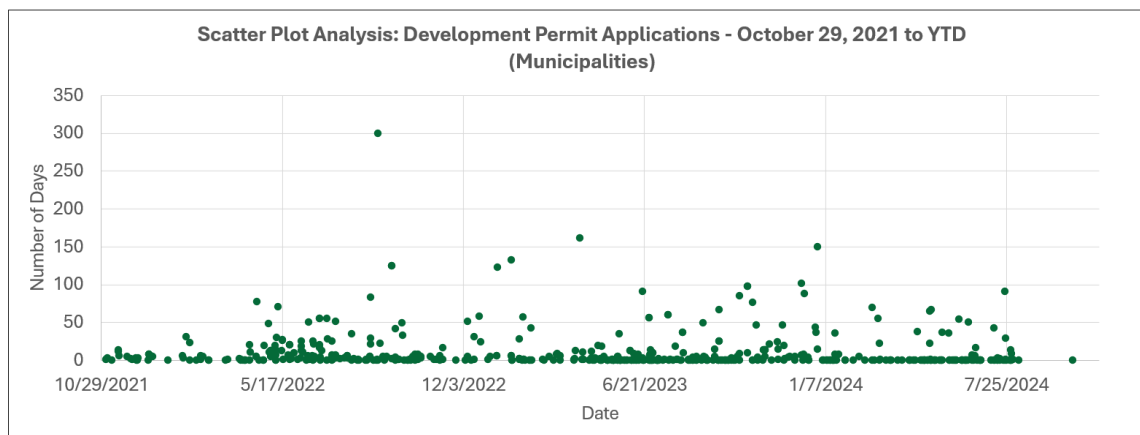
Figure 9: Municipalities Minor Subdivisions – 60 Days from Date Application is Received by Council to Decision



- ✓ Records Analyzed: 356
- ✓ Mean Days Observed: 27
- ✓ Median Days: 20
- ✓ Minimum Days: 1
- ✓ Maximum Days: 401

Source: Municipality Data Request; Manitoba MNR.

Figure 10: Municipalities Development Permits – 20 Days to Determine Whether Application is Complete from Date Application Submitted



- ✓ Records Analyzed: 546
- ✓ Mean Days Observed: 10
- ✓ Median Days: 1
- ✓ Minimum Days: 1
- ✓ Maximum Days: 300

Source: Municipality Data Request; Manitoba MNR.

The review team's conclusions from this analysis are:

- Municipalities operating under the Planning Act are making significant progress towards the stated timeframes.
- For all application types, the mean and median performance is well within the established timeframes set out in legislation for all application types.

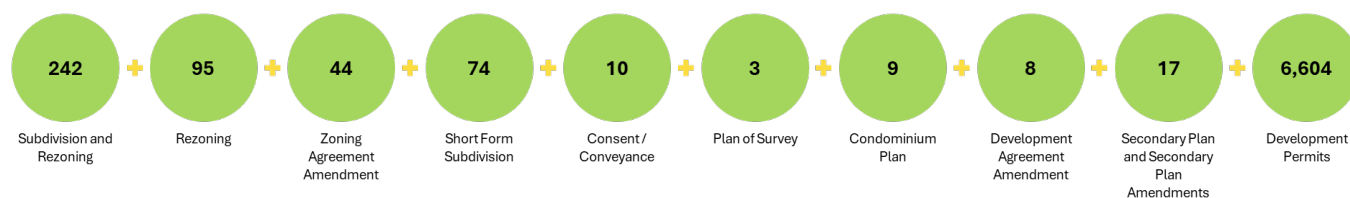
- Municipalities are generally consistent in meeting all appropriate service standards for standard subdivision and minor subdivision applications. (MNR administers the subdivision process except for Planning Districts with the formally established authority to perform this function.):
 - Almost all applicants are serviced within the appropriate service standard targets for standard subdivisions (92% - 95%) and minor subdivisions (92%)
- Municipality performance is variable for secondary plan amendments but there was not enough data available to make a complete assessment of performance for this type of application.
- Municipal performance in meeting the appropriate service standards for development permit applications is improving.
- There is an increasingly large number of instances where development permits are deemed complete in as little as one business day versus previous years.
- The major areas with a variance from established timeframes are as follows:
 - 35% of zoning by-law amendments are not meeting the appropriate service standard for the maximum number of days between when the application is made to the hearing date.
 - 16% zoning by-law amendments are not meeting the appropriate service standard for the maximum number of days between the hearing date to council decision.
 - 14% of development permit applications are not meeting the appropriate service standard target for the maximum number of days provided for a municipality to deem whether a development permit application is complete.
- There appear to be significant delays associated with the stated timeframes of 60 days from public hearing to council decision or referral to the Municipal Board
 - This includes significant deviations often as much as 4 to 5 times the established timeframes.
 - This finding underscores the time impact associated with referrals or appeals at the Municipal Board on the overall approval process.

Timeline impacts under the City of Winnipeg Charter

A total of 7,106 planning and development records were provided by Winnipeg to perform this analysis. All analysis focused on the period after October 29, 2021 when these provisions came into force.

Figure 11: City of Winnipeg Records Analyzed

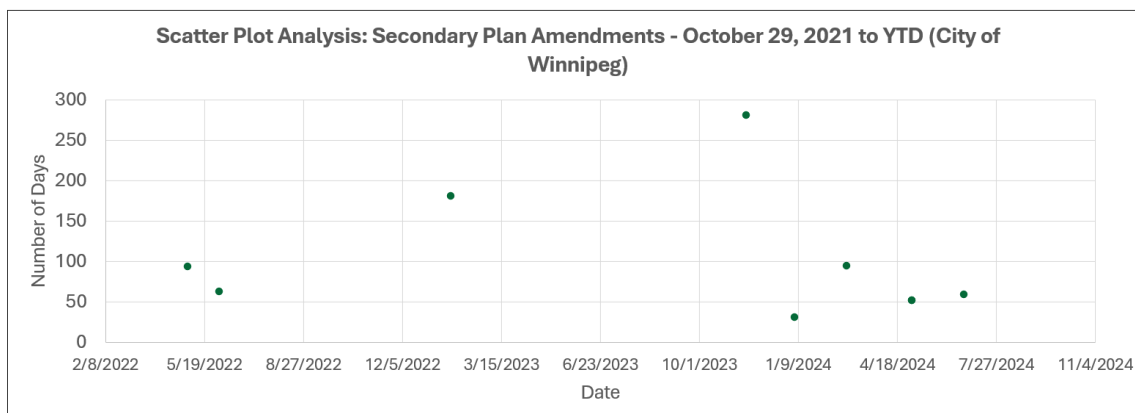
City of Winnipeg Records Analyzed



Source: City of Winnipeg Data Request.

Graphs showing the performance of the City of Winnipeg against the established timelines follow:

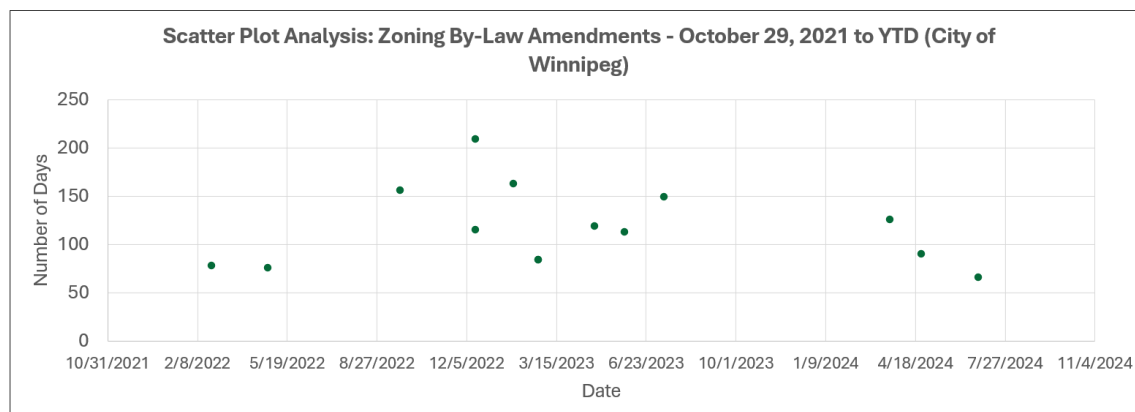
Figure 12: City of Winnipeg Secondary Plan Amendments – 150 Days from Date Completed Application is Received by City to Decision



- ✓ Records Analyzed: 9
- ✓ Mean Days Observed: 100
- ✓ Median Days: 63
- ✓ Minimum Days: 31
- ✓ Maximum Days: 281

Source: City of Winnipeg Data Request.

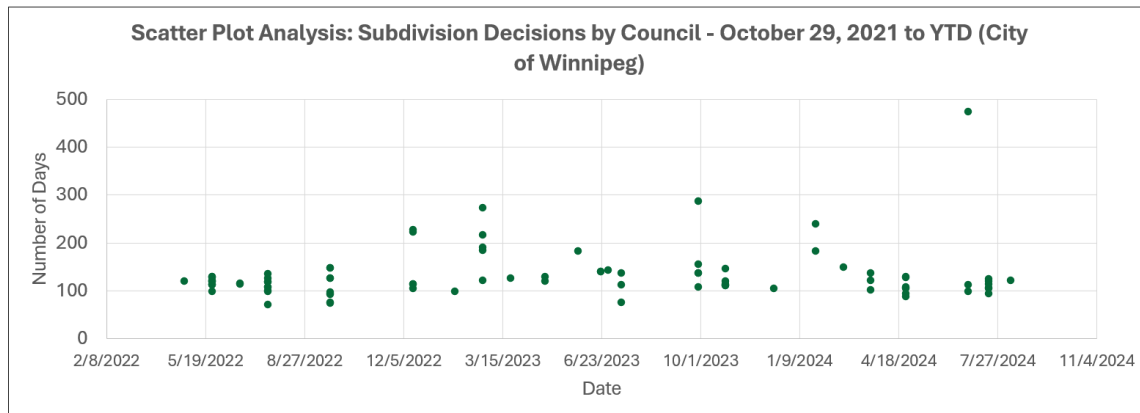
Figure 13: City of Winnipeg Zoning By-Law Amendments – 150 Days from Date Completed Application is Received by City to Decision



- ✓ Records Analyzed: 14
- ✓ Mean Days Observed: 116
- ✓ Median Days: 114
- ✓ Minimum Days: 66
- ✓ Maximum Days: 209

Source: City of Winnipeg Data Request.

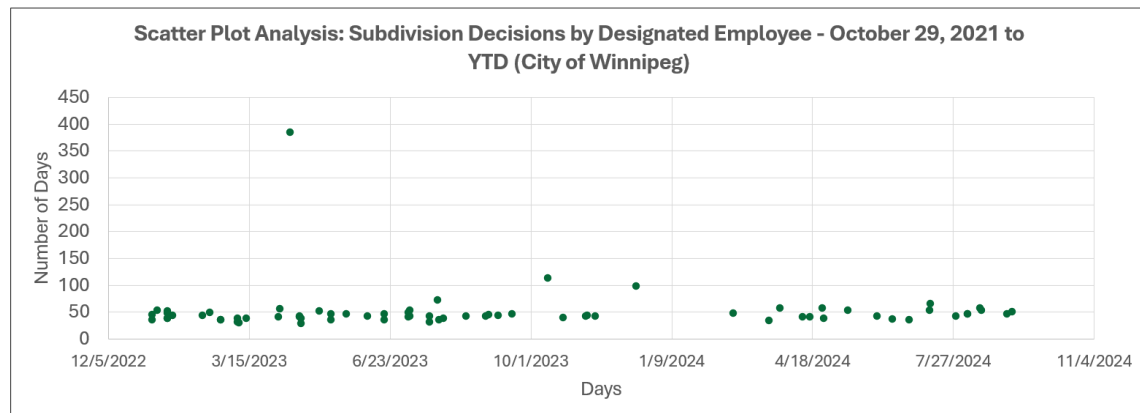
Figure 14: City of Winnipeg Subdivision Decisions by Council – 150 Days from Date Completed Application is Received by City to Decision



- ✓ Records Analyzed: 88
- ✓ Mean Days Observed: 131
- ✓ Median Days: 119
- ✓ Minimum Days: 71
- ✓ Maximum Days: 474

Source: City of Winnipeg Data Request.

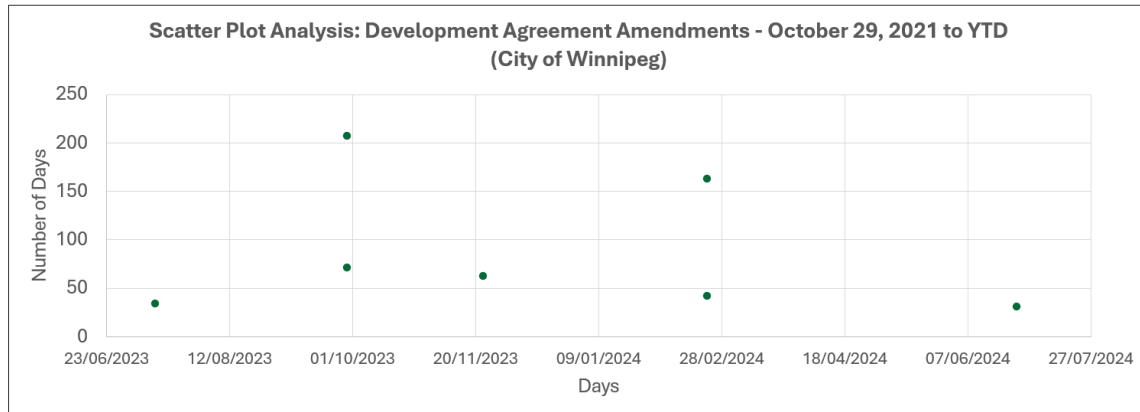
Figure 15: City of Winnipeg Subdivision Decisions by Designated Employee – 60 Days from Date Completed Application is Received by City to Decision



- ✓ Records Analyzed: 70
- ✓ Mean Days Observed: 50
- ✓ Median Days: 43
- ✓ Minimum Days: 29
- ✓ Maximum Days: 384

Source: City of Winnipeg Data Request.

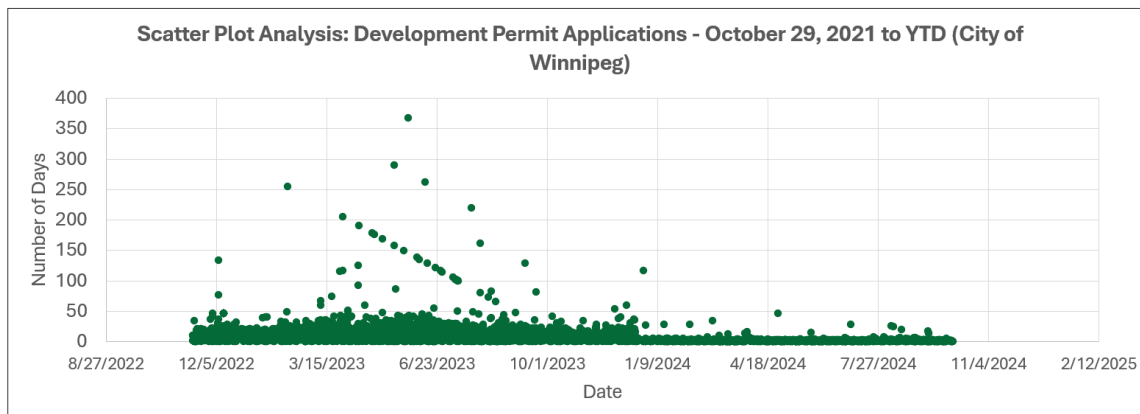
Figure 16: City of Winnipeg Development Agreement Amendments – 90 Days from Date Completed Application is Received by City



- ✓ Records Analyzed: 7
- ✓ Mean Days Observed: 87
- ✓ Median Days: 62
- ✓ Minimum Days: 31
- ✓ Maximum Days: 207

Source: City of Winnipeg Data Request.

Figure 17: City of Winnipeg Development Permit Applications – 20 Days to Determine Whether Application is Complete from Date Application Submitted



- ✓ Records Analyzed: 6,604
- ✓ Mean Days Observed: 8
- ✓ Median Days: 4
- ✓ Minimum Days: 1 (e.g., Same Day)
- ✓ Maximum Days: 367

Source: City of Winnipeg Data Request.

The review team's conclusions from this analysis are:

- The City of Winnipeg is making significant progress towards the stated timeframes.
- The City of Winnipeg is meeting some service standards more consistently than others especially in meeting the appropriate service standards for development permits (90%) and subdivision decisions by designated employee (92%).
- The City of Winnipeg has improved significantly in meeting the appropriate service standards for development permits post-legislation.

- The major areas with a variance from established timeframes are as follows:
 - 29% of development agreement records are not meeting the appropriate service standard.
 - 22% of secondary plan amendment decisions are not meeting the appropriate service standard.
 - 22% of zoning by-law amendment decisions are not meeting the appropriate service standard.
 - 14% of subdivision decisions by council are not meeting the appropriate service standard.
- There are targeted opportunities for improvement to increase the City of Winnipeg's consistency in meeting the appropriate service standard targets for development agreements, secondary plan amendment decisions, and zoning by-law amendment decisions.

The review team reviewed 5 complex applications identified by UDI against the approved timelines assessed above for the City of Winnipeg. The purpose of this analysis was to understand the impact of pre-application activities as well as the time requirements for completing development agreements following council approval. The number of records does not support the development of formal conclusions and is more representative in nature. This analysis was shared with representatives of the City of Winnipeg and UDI for input. It highlights that:

- Legislated timelines do not address the extended period associated with preapplication communication between developers and the City.
- The records highlight the impact of procedural processes in decision making associated with all development applications including appearance at various community committees.
- The records highlight the extended time requirement associated with the development and finalization of a development agreement in contrast to the established 90-day standard.
- The records provided show that the end-to-end process from first contact with the City of Winnipeg, to application, to Council approval and completion of the development agreement can be hundreds of days or even years in duration.
- The City of Winnipeg noted that some delays are initiated at the request of the developer based on changing market conditions, revised development plans, etc.
- The City does not "suspend" applications when this occurs so the data analysis reflects the impact of City processes as well as delays requested by the applicant.
- Both development industry participants and the City of Winnipeg noted that these processes incorporate shared activities and that there are opportunities for improvement on both sides.

Feedback from participants on timelines

The following representative quotes reflect the feedback on timelines of municipalities, development, industry stakeholders, and the public on timelines:

"The changes to Manitoba's planning legislation have created additional processes and roadblocks rather than streamlining processes and improving approval timelines." – UDI formal submission

"First Reading is typically one month after Council has approved the report. This is the actual timeline that the Province put into the legislation and what the City

works toward as a target. However, the process is nowhere near finished.” – Consultation participant

“If the goal is to eliminate delays in the approval process, timelines should be consistent with all parties involved to ensure that a bottleneck is not created elsewhere in the system.” – Consultation participant

2.3.2. Completeness of applications

Views on the requirements established for municipalities to manage complete applications within 20 days are mixed.

The majority of municipal, development, and industry stakeholders shared the perspective that:

- There's a lack of clear, consistent guidelines on what constitutes a complete application in the legislation.
- This ambiguity leads to disagreements between applicants and municipalities.
- The role of the designated employee in determining application completeness is crucial, but there's often a lack of clarity about who should hold this position and if there should be a more consistent standard for determining completeness applied by individuals in this position.
- The requirement has made it more difficult to have information conversations at the start of a development because the legislation focuses municipalities on managing complete applications instead of working through a problem in stages.
- There's a growing recognition that digital platforms and standardized forms could help improve application completeness and streamline the submission process.
- In cases where provincial department input is required, delays in receiving this information can impact the completeness of applications, creating frustration for both applicants and municipalities.

Development and industry stakeholders identified that some municipalities implemented formal pre-application review processes as a direct result of the legislation. From their perspective, this moved review work outside of established timeframes so that it “wasn’t measured”. Many of these participants shared experience that municipalities provided communication about deficiencies in an application near the end of the established timeframe with the intention of taking the application outside of the legislated timeframes.

The review team confirmed with many planning authorities that this strategy has been employed as a way to manage more complex files where there was incomplete information or more time was needed to complete a full review.

Many municipal and planning district participants shared that some developers have used this provision in the legislation to intimidate or threaten designated officials with personal lawsuits. They noted that these same developers often threaten to use Municipal Board appeal processes as a way to intimidate officials involved in decision making processes. They said this behaviour has further reinforced an emphasis on procedural and administrative protocol instead of finding ways to accelerate development in a collaborative way.

These same participants noted that the legislation creates the expectation that issues with a planning or development application are all a matter of completeness. They say this has watered down their ability to refuse applications even though legislated “cooling off” requirements provide for a designated official or planning authority to refuse an application that has been rejected.

Feedback from participants on completeness

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on completeness:

"Incomplete applications – City will now take several months before they look at an application and declare it 'incomplete'. Once they declare it 'incomplete', the clock starts ticking on the appeal to the MMB regarding the reasons for 'incomplete'. But to get to this start date it may be several months of the City not willing to look at the materials." – Consultation participant

"Departments have too much discretion in defining what makes an application complete" – Public survey participant

"When you look generally through the act, every section, division, whatever the language is, it says all the provisions indicate the completeness of things and application and appeal. It's in the opinion of the approving authority. Is there anywhere where we have a common understanding, even amongst planners, what complete means? Is there a definition? Do you all appreciate what the definition of completeness is between all the various planning authorities and separate and apart from that, like when things come to you, do you have a definition of what you would consider complete if they sent it to you for review?" – Consultation participant

2.3.3. Review of applications

While not directly defined in legislation, the review and circulation of applications is a critical function that has a direct impact on planning decision making.

All development and industry stakeholder feedback identified the following themes:

- There's a lack of standardization across municipalities in how development applications are reviewed and circulated.
- There are challenges in coordinating between different departments involved in the review process within the City of Winnipeg and between government departments which often leads to delays and inefficiencies.
- There are no implications for missed timeframes on the part of review departments set out in the legislation.
- Established mechanisms within the City and Province to assess applications and determine more global requirements for an application are not well understood by applicants and seem to provide incomplete or contradictory requirements.
- Some municipalities chose to implement formal pre-application review processes outside of the legislative timeframes.
 - The review team confirmed that 14% of municipalities have implemented some form of formal pre-project review and that many of these processes were established prior to the implementation of this legislation.
- Participants noted that decisions by the City of Winnipeg to implement formal pre-application reviews had a significant impact on timeframes.

The review team notes that Winnipeg City Council eliminated the requirement for a formal pre-application review introduced as a response to the legislation on July 18, 2024. As part of this decision, Council directed the Public Service to ensure that all informal inquiries regarding development application details be addressed in a constructive and timely manner.

MNR and provincial review departments acknowledged that there are set timelines for circulation and commenting but meeting these consistently can be challenging. Municipal stakeholders all shared significant concerns about the timeliness of these reviews noting that the results often are received the day before a public hearing. This impacts the administration of the planning authority or council to incorporate that information effectively into the administrative report and recommendations. Some participants noted this process was the function of the former Interdepartmental Planning Board that was discontinued as part of these legislative changes.

All development stakeholders noted that the City of Winnipeg's review processes are particularly cumbersome. They pointed to requirements for preparation and attendance at multiple committees involved in planning decisions as well as requirements for applicants to provide the same information multiple times as key concerns.

Planning professionals, development and industry review participants identified concerns that review agencies do not provide complete, actionable requirements or conditions for most applications during initial review. This prevents the identification of clear requirements to support council and project proponent decision making. These participants provided examples of formal comments provided by provincial review departments and City of Winnipeg departments following application review. Some of these representative review comments included:

- “Due to circumstances beyond our control, we are not able to provide comments on this application. If you have not received comments from our section, please accept this e-mail as a request for an extension and we will try and get to the application as soon as we can.”
- “We believe the requirements identified by the planning district are appropriate but we reserve the right to incorporate additional requirements at a future date.”
- “We do not have background information to make a determination in this area. The proposed development requires the following studies to be completed: LIST after which we will determine requirements that will be applied to the proposed project.”
- “This project is in a [TYPE OF REGION] that requires completion of a [Study] or dedication of lands or fees in lieu of dedication. This is a new requirement defined under regulation X of the NAME ACT.”

Development and industry participants noted that the inability of municipalities to clearly identify technical requirements and development conditions at the time of application contributes to an increased reliance on a standard condition to require a development agreement for many applications. This reduces the certainty for municipalities and project proponents. It also contributes to frustration on all sides as requirements are identified at later stages in a project when they should have been available prior to project approval.

Some participants noted that the entire approval process may be improved by municipalities taking steps to implement a planning commission function which is permitted under the Planning Act. Planning commissions function as an alternate decision-making body to elected councils. They are typically composed of appointed individuals, often with technical backgrounds, rather than supported by elected officials. It was noted by some participants that the City of Brandon has a well-functioning planning commission that handles smaller land use applications like variances and conditional uses. This approach frees up council resources and keeps more decision-making local. Many participants noted that in addition to improving application review processes planning commissions could potentially improve decision making by mitigating political influence in planning decisions.

Feedback from participants on review of applications by planning authorities and government

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on review of applications:

“We just get an email. It says, respond by this day, and that's what we do.” – Consultation participant

“Sometimes it's difficult for us to determine whether we want to comment based on the quality of what we see in front of us. – Consultation participant

2.3.4. Reasons for decision

Background on the council reasons to reject an application.

A complete review of the legislative background for this provision is beyond the scope of this project, however, the review team believes some context will assist readers of this section.

In the context of planning and development processes, municipal councils and planning authorities function in the role of a quasi-judicial body. They are required to make decisions consistent with established by-laws, plans, policies and procedures.

Written reasons are now required where there is a decision to reject an application for a conditional use or subdivision, and where there is a decision to not adopt a development plan by-law, secondary plan by-law and zoning by-law (or any amendment to any of them).

Several Manitoba Ombudsman opinions set out the expectation that municipal councils provide written decisions that demonstrate thoughtful consideration to the issue brought before them. These decisions set out an expectation of procedural fairness and the expectation that the planning authority inform the applicant how their application was not consistent with the established by-laws, plans, policies, and procedures.

There is an expectation for municipal councils and planning authorities to provide consistent decisions pursuant to by-laws, plans, policies and procedures, on all planning applications. Written reasons provide the thought and deliberation contemplated by the decision-maker at the time of the decision.

MNR has provided guidance to municipalities on reasons for decision in The Planning Act Handbook.

Feedback from participants on review of applications

The perspective of review participants on the legislated requirement for councils to provide written reasons for decisions not to approve planning applications is mixed.

Legal profession participants noted that this requirement strengthens procedural fairness. They also noted that it also has the benefit of protecting decision-making bodies from legal challenges by forcing them to articulate clear planning-based rationale. They noted that it encourages councils to put more thought into their decisions and ensures they are rejecting applications for valid planning reasons rather than political or other non-planning considerations.

Development, industry stakeholders and public review participants expressed strong support for the requirement for written decisions. Many participants advocated for this requirement to be extended to approval decisions as well as reasons by council to not approve an application.

Most municipal political leader participants do not support this requirement. They shared that they should be able to make decisions based on local requirements and that their ultimate accountability is established through the electoral process.

Many municipal administration and planning district participants supported the introduction of this requirement. While it was challenging to implement, they noted that it was helpful to focus approval decision making on a clear rationale for the decisions made at the public hearing. This improved the quality of council decision making and provided a higher level of transparency to the applicant and public about the decision. It also required administration to be very clear in decisions by designated officials about the reasons an application was not being supported.

Despite these benefits, these participants noted several issues with the implementation of this requirement under the legislation as follows:

- Councils are not formed by political parties and often lack consensus making it difficult to articulate a final decision.

- Participants underlined that each council member may have different reasons for their decision making it challenging to provide a unified explanation on behalf of the planning authority.
- They noted that it is unclear how to manage situations when there are minority opinions or votes recorded in the approval hearing.
- Some municipalities have received strong legal advice about the risks associated with documenting reasons for decisions because it would create an avenue for challenges.
- There is a lack of clear guidelines about what constitutes a decision and what the implication of this requirement has for future appeals.
 - The review team has verified a wide range of approaches to meeting this requirement between municipalities ranging from:
 - Providing council with standardized resolutions as part of the recommendation that set out minimal detail beyond non-conformance with existing plans and by-laws; to,
 - Recording the complete discussion by council and appending it to the approval motion.
- Some councils have adopted a process to document reasons outside of the public hearing and to approve them in the next meeting of the planning authority.
- Many participants noted that this contributes to a lack of transparency and for refining the decision based on information outside of the public hearing process.

Many review participants including those in the legal profession noted that the focus on decisions “not to approve” creates an “in-built asymmetry” that is not appropriate. They noted that changes to require reasons for all decisions would improve consistency and procedural fairness in the process.

Participants were almost universal in the perspective that better training and education is required for council members, development and industry participants and the public on the requirement and application of reasons for decision in planning and development decision making.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders, and the public on reasons for decision:

“The requirement to provide reasons to reject development applications is a sound practice, since it forces Council [and Designated Officers] to consider applicable municipal policy when making its decisions. [Council] should also be required to provide reasons to approve applications.” – Municipal survey participant

“The requirement to state reasons for rejection of application from a positive perspective is well received. It inoculates our decision-making bodies, whether it's the planning commission or city council, from legal challenges. We have to put some actual thought into why we're saying no to a decision.” – Consultation participant

2.3.5. Development agreements

The perspective of review participants on legislated timelines for the completion of development agreements is mixed.

All stakeholders shared the perspective that the provisions in the legislation to establish timeframes for development agreements have not resulted in a meaningful impact on outcomes.

Many municipalities and planning districts report feeling increased pressure to complete development agreements within the prescribed timelines. They note that the 90-day timeframe is

seen as challenging, especially when dealing with complex projects or when development requirements require significant supporting materials (e.g. easement agreements, survey plans, etc.) that are the responsibility of the applicant. Significant concerns were expressed from most municipal stakeholders that these timeframes will lead to more appeals to the Municipal Board when agreements are not reached within the prescribed period.

Some municipalities and planning districts indicated they are moving towards standardized templates for development agreements to streamline the process and meet the new timelines. They also indicated that they have taken steps to revise their internal processes to accommodate the new timelines, including earlier engagement with developers on development requirements and conditions included in a development agreement.

Development and industry stakeholders shared the following perspective about development agreements timeline requirements:

- While there are challenges for both municipalities and developers in meeting the timelines, the requirement provides a strong motivation for parties to resolve issues and work towards resolution.
- The ability to secure extensions by mutual agreement in writing, provides some flexibility but also adds another layer of process.
- The time taken to finalize development agreements varies greatly between municipalities.

Many developer and industry participants reported experiencing significant delays in obtaining development agreements, with some mentioning it taking up to a year after council approval or longer. They noted these delays are particularly significant for development agreements within the City of Winnipeg.

The absence of standardized templates for development agreements was often cited as a major cause of delays. Developers suggested that a high percentage of agreement (90%+) conditions could be populated by entry level staff using templates that could significantly speed up the process.

Many developers pointed to delays caused by municipal legal departments as a significant issue in the development agreement process. They noted that there is a reluctance to adopt standardized agreements and to rely on processes to establish unique agreements for all development projects.

Some developers feel that the emphasis on front-end application and approval timelines doesn't address the real issue of delays associated with the time it takes to finalize development agreements after a council decision is made.

Feedback from participants on timeline requirements for development agreements

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders, and the public on timeline requirements for development agreements:

"I agree with [name removed] regarding the timeline. It's very difficult to get a development agreement done within the 90-day period, if we're waiting on drainage plans, easements, supplementary documents related to that development agreement." – Consultation participant

"Having a timeline to say this is how long it could take, and this is the shortest amount of time it could take if all went well is positive. I guess the same would apply for quarry or livestock operations, kind of the worst-case scenario, length timeline to the best case." – Consultation participant

2.3.6. Un-proclaimed legislation: Major developments

The legislation contemplates the implementation of provisions to accelerate the approval of major developments. These projects would not require approval for each subsequent phase of a

development but would allow a municipality to establish requirements by attaching a development agreement to a development permit.

In its un-proclaimed form, a development agreement may be imposed where the development is prescribed as a “major development” or when expansion of a public service is required. The details surrounding development agreements being permissible with the application of a development permit as well as the defined term of “major development” were to be included in a further provided regulation.

Feedback from participants on un-proclaimed major development provisions

Municipal and development stakeholders are interested in this concept for different reasons that are not aligned.

They shared the perspective that there is considerable confusion about what constitutes a “major development.” The lack of a clear definition has left many stakeholders unsure about how this provision would be applied.

Some development participants see the potential for this provision to streamline the approval process for larger, more complex projects. It could provide a mechanism to expedite significant developments that align with municipal or regional priorities.

Participants noted that what constitutes a major development may vary significantly between urban and rural areas or between large and small municipalities. This makes it challenging to create a “one-size-fits-all” definition that would be consistently applied across the province.

Some municipal stakeholders including the City of Winnipeg expressed a strong desire for these provisions to be implemented to accelerate infill and densification initiatives being contemplated to address housing demands and fulfill requirements of the federal government’s Housing Accelerator Fund. They noted that this is a fundamental requirement to enable City initiatives including major zoning by-law updates to allow for “by-right” development on major corridors and in targeted development zones.

The ability to attach development agreements to development permits for major developments is seen as potentially beneficial, but many development stakeholders expressed concerns that implementing this clause as a blanket power would give municipalities too much authority to apply the concept to small infill projects and to change requirements for future phases of approved developments if, in the opinion of the municipality, servicing requirements have changed. They also noted that some municipalities have raised the possibility of extending this authority beyond development permits to include development agreements for building permits where there is a requirement for municipal investment in infrastructure, etc.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on timeline requirements for un-proclaimed major development provisions:

- *“It would be beneficial if the wording and related regulation were to be circulated to municipalities for review and comment prior to adoption. Municipalities should welcome the option of requiring a development agreement as condition of a major development's development permit approval.” – Municipal survey participant*
- *“What constitutes a major development? How is that built into the legislation, and given the fact that it is an un-proclaimed part of the legislation, is that clarity? What do we mean by major developments, anything that comes across your desks, or have we actually given thought to what that might be?” – Consultation participant*

2.4. *Balance between Provincial interest/strategic assets/economic development and community interest in land development and planning decision making*

There are mixed perspectives on how the legislation has impacted the balance between a community's role in development and planning decision making and broader interests to support regional planning, economic development or certain forms of development.

Development and industry stakeholders were clear that the legislation's emphasis on decision making relying on approved development plans, zoning bylaws and policies is beneficial. They shared experience that many municipal development processes prevent critical projects from proceeding in a predictable manner. The primary factors contributing to this situation identified by these participants included:

- Concerns about political pressure and the risk for councilors to make unpopular decisions due to fear of political repercussions, even if those decisions are in the best interest of the community
- Lack of expertise by municipal leaders and administration who lack the necessary knowledge or training to make informed decisions on complex planning and development issues
- Inconsistent application of existing development plans, by-laws, and policies especially as they apply to projects with a significant provincial or regional interest

They noted that special consideration needs to be preserved in the legislation for projects with an overall benefit to the entire province, significant economic development initiatives with regional impact, and for projects that have a unique constraint due to geography like quarry and aggregate operations or major transportation infrastructure like railways.

These participants advocated for increased strengthening of requirements for municipalities to follow evidence-based decision making based on approved municipal plans, bylaws and policies. They also emphasized the benefit of increased reliance on technical submissions to guide approval decisions. They noted that this type of decision making should be carried forward as the standard for independent appeals at the Municipal Board.

Some review participants advocated for increasing legislative requirements for decision making on a wider range of applications and for the implementation of strengthened appeal provisions. These participants noted that there is a need for stronger provincial oversight in some areas to ensure that strategic economic interests are not unduly obstructed by local concerns.

While it has some limitations, The Technical Review Committee (TRC) process established for livestock operations was highlighted by many stakeholders as an example of an effective process for development application review and decision making. It provides a structured approach for evaluating development proposals and facilitating collaboration between different departments, stakeholders and the public.

Key benefits of the TRC review process identified by participants included:

- Improved coordination by bringing together representatives from various departments to review proposals collectively, ensuring all relevant perspectives are considered
- Efficiency created by having all parties review proposals simultaneously to streamline the process and reduce delays caused by sequential reviews
- Consistency by following consistent standards and interpretations across different projects and departments
- Early identification of issues saving time and resources for both developers and municipalities

- Better communication by providing a forum for direct communication between developers, municipal staff, and other stakeholders, and the public fostering clearer understanding of requirements and expectations

Municipal participants shared the perspective that the best forum for making decisions about all development is at the local level. They noted that locally elected councils are in the best position to balance community needs and development requirements, even those with broad economic or development benefits. They noted that local communities should retain the right to determine the types of development they wish to pursue as well as to establish conditions for those developments when infrastructure investment or impact mitigation is required.

These participants expressed the opinion that the legislative changes have shifted too far toward provincial control and priority setting at the expense of local autonomy. They noted that many communities and their residents have real interests in the impact of all forms of development. They advocated for a strengthened voice in all decision making including more restricted appeal powers for decisions on these developments at the Municipal Board.

Many industry and municipal stakeholders shared that the government had existing tools to establish clear priorities through the Planning Act prior to the introduction of the legislative changes.

These stakeholders agreed that government could utilize to establish clear policy and priority for all types of development is the Provincial Land Use Policies (PLUPs).

The benefits of focusing effort on establishing priorities in the PLUPs identified by participants included:

- Clarifying provincial priorities for the nature and form of development that the government wants municipalities to factor into their planning process and decision making
- Identifying and protecting strategic resources crucial to economic development as well as establishing expectations about how these resources should be managed in all planning and development processes
- Establishing the expectation that evidence-based decision making should form the basis of all planning processes
- Clarifying the expectations for the consistency of planning process, terminology and decision making to better balance global economic development interests with local governance accountabilities
- Creating clear criteria for determining appeal rights when there is a conflict between local community interest and an overall provincial priority

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on timeline requirements on the balance between local decision making and development with strategic benefit:

- *"We also fully support the notion that municipal Councils are in the best position to make decisions based on their knowledge and understanding of their communities. It is their mandate as elected representatives to make decisions based on local priorities and context."* – AMM formal submission
- *"Since this is about quarry and livestock, this legislation did affect Council's position on how they proceeded, or how they made their final decision, because it comes to the point, do we put less conditions in and hope that they don't appeal to the Municipal Board. [If that happens] then it's totally taken out of our hands, and we have no control over an intensive livestock that's going to be in our municipality."* – Consultation participant
- *"Upon a comprehensive examination of The Planning Act, the Provincial Planning Regulation, and the PLUPs, we have determined that The Planning*

Act, the foundational framework for land use planning in Manitoba, and its recent amendments, lack explicit directives for municipalities to adopt policies pertaining to developments in proximity to railway operations and infrastructures. Similarly, the Provincial Planning Regulation, which provides additional details and guidance on specific aspects of land use planning and encompasses the PLUPs as well as policies guiding the requirements for drafting Development Plans and provisions for livestock operations, also lacks these explicit directives.” – Consultation participant

2.5. Regional planning board formation and governance

During the course of the review, the Capital Planning Region undertook public hearings on Plan20-50. There was significant public interest in these hearings including strong representation from individuals and groups who voiced strong opposition to the Capital Planning Region and the draft plan. Several member municipalities voiced concerns about the draft plan and their membership in the region during this process. In part as a response to this feedback, the Manitoba government announced changes to the legislation that requires municipalities to participate in the Winnipeg Metropolitan Region and Plan20-50. While the content of Plan20-50 and the decision making of the Winnipeg Metropolitan Region is outside of the scope of this review, these circumstances have had an impact on the review process and feedback received from stakeholders.

Legislation in scope of this review established the process to create planning regions across the province, including at the request of municipalities or the Minister. It sets out the role and function of a planning region, its mandate and powers. The key role of a planning region is to prepare and adopt a regional plan. It establishes requirements for the formal structure of a planning region and requirements for administrative functions and record keeping. The legislation incorporates regulatory power for the Minister to set out accountability, voting provisions, planning region bylaw requirements and other governance matters by regulation. It also defines the requirements for a regional plan and allows for the provision of more detailed direction to be provided by regulation.

The legislative changes established the Capital Planning Region and specified its membership. The membership of Capital Planning Region can be varied by the Minister through regulation.

Detailed requirements for the regional plan are set out in the Capital Planning Region Regulation.

Background on regional planning in the capital region and its relationship to the legislation under this review

The review scope does not include a full analysis of regional planning in the capital region, however, the review team believes that some context is relevant to readers of the review.

There is over 30 years of regional planning experience/history/activity in Winnipeg’s capital region. The first capital region strategy was published in March of 1996. This initial plan incorporated participation of 16 municipalities and focused efforts on 5 policy areas: sustainable land use, servicing, transportation, and economic development.

Since that initial plan, there have been many reviews, reports, and initiatives advanced. A number of these reports are identified in **Appendix B Section 1.6**.

In 2006, the Capital Region Partnership Act was passed with the purpose of establishing the capital region. It identified 16 municipalities that were part of the Capital Region and provided for those organizations to cooperate on adopting a regional strategy. In 2013, the member municipalities operating under this act changed their name to the Partnership of the Manitoba Capital Region (PMCR) and again in 2018 to the Winnipeg Metropolitan Region (WMR).

The legislation subject to this review dissolved the Capital Region Partnership Act and established the Capital Planning Region Board with the jurisdiction and functional responsibility

described above. This change saw the formal membership of the Capital Region expanded to 18 municipalities with the addition of the Town of Niverville and the Village of Dunnottar.

The Capital Planning Region Board was established as a new statutory corporation with strengthened legislative mandate and powers. While it has adopted the operational name of the Winnipeg Metropolitan Region, the organization was not established as a continuation of predecessor organizations.

This approach was intended as the next evolution of regional planning framework and was advanced with the support and recommendation of municipal stakeholders in the capital region.

The legislative changes in scope of this review incorporated or adapted the key elements of the governance framework under the previous act including provisions endorsed by member municipalities endorsed through council resolution for voting and decision-making processes.

Many municipal stakeholders confirmed through the course of the review that there was a need to move planning in the capital region to the next level of maturity and to establish the capacity to adopt and implement plans with real effect. This idea supports the rationale and approach to the legislation implemented to establish the Capital Planning Region Board.

The Manitoba government has provided significant funding to the Capital Planning Region Board and its predecessor organizations to support activities associated with its operation and planning activities.

Feedback on the legislation in scope of this review

From the outset of the review, the perspective of participants on these legislative changes was mixed.

The majority of all participants across the province shared the perspective that it is too early to tell if this part of the legislation is effective or not. Municipalities outside of the capital region and review participants without direct involvement with the capital region planning process were clear that they did not have enough direct experience to comment in a meaningful way.

Within the Winnipeg Metropolitan Region, the majority of municipal participants expressed support for the concept of a regional planning organization. They noted that regional planning had resulted in coordination between municipalities on common issues and helped to establish clear priorities. They noted that a regional planning board model is a better alternate than other approaches to regional integration including annexation.

Several capital region municipalities expressed concerns that the implementation concept in the legislation moved too far. These participants shared the concern that it introduced another layer of decision making that infringed on the role of member municipalities to oversee development at the community level. A strong minority of municipal participants expressed strong opposition to their inclusion within the capital planning region. They advocated for a formal process of exemption to be set out in the legislation and shared frustration that requests to various Ministers for a variance under the existing regulatory powers were not supported.

Many participants felt that the implementation concept set out in legislation was not consistent with the spirit of collaboration and intention necessary to make meaningful strides within the capital region. The key concern areas identified included:

- Appointment of non-elected members to the capital planning region board and to key executive positions
- The decision-making structure that gives the City of Winnipeg a “super majority” voting right based on population
- Loss of autonomy for local decision making as a result of powers established for the planning region including the ability of a regional planning board to force member municipalities to stop actions that do not align with an approved regional plan through formal request or injunction if required

- Established powers to levy additional fees associated with operational costs and capital planning region board activities
- Uncertainty about the precedence of the capital region's governance framework and by-laws in contrast to the governance framework and by-laws of member municipalities
- Lack of clarity about how a regional plan would impact member municipalities and create additional complexities to appeals before the Municipal Board (e.g. WMR or Municipality defending regional plan, inconsistencies arise between regional plan and local by-laws, etc.)

These participants noted that while both a “carrot and a stick” is required to balance regional and local interests within the capital region, that the expanded powers upset the spirit of collaboration that predated the legislation's implementation.

Representatives from planning districts expressed several concerns about potential conflicts between planning districts and regional planning boards including:

- Planning districts lack proper representation on regional planning boards, beyond elected officials resulting in a gap in the planning district's ability to provide input on regional matters.
- There is uncertainty about the appropriate scope for regional planning boards and how this might overlap or conflict with a planning district's jurisdiction.
- The legislation is seen as vague in defining where the roles and responsibilities shift from regional to planning district level which could lead to overlap and potential conflicts in decision-making.

Some participants fear that regional planning boards may give too much power to larger member municipalities (like the City of Winnipeg), potentially leaving smaller municipalities and planning districts vulnerable. They noted apprehension that regionalization might result in planning districts and rural municipalities losing their voice and autonomy in decision-making processes.

Feedback from participants in the public survey were extremely varied with respect to the legislative framework establishing a regional planning board. The majority of responses shared the perspective that local municipal governments are in the best position to make decisions about planning and development on behalf of residents. These participants did not support a regional board structure because it removed the autonomy of a community and introduced an unnecessary level of decision making. A minority of public participants expressed support for the regional plan and advocated for government to reinforce clear priorities and expectations for the capital region.

Capital planning region board representatives underlined that the approach set out in the legislation was fundamental to ensure that the region could action its mandate. They noted that most jurisdictions in Canada provide for regional planning bodies in provincial legislation. While varied, they noted that the concepts to define membership, establish authorities and jurisdiction for regional planning and the alignment of municipal decision making are not unique to Manitoba. These participants explained that in practice the board operates on a principle of building consensus, however, they noted that a regional planning board needs to have the capability to make decisions and advance proposals when complete consensus is not possible. A representative quote expressing this point is:

“Although critique of the governance structure and procedures are worthwhile to explore, the certainty of membership and decision-making framework provided by amendments to The Planning Act and establishment of the Capital Planning Region Regulation are important to maintaining regional decision-making and collaborative working relationships. Without a framework for governance procedures like voting requirements, decisions cannot be made, and little effective action can take place.” – Consultation participant

Some WMR board representatives observed that the changing the legislation to allow regions to opt out completely or in part would undermine the role that a planning board could deliver regardless of its mandate.

Many review participants shared the perspective that many of the functions defined for regional planning boards could have been enacted by the government using its established authority in legislation. They noted that the government could have established requirements for all municipalities in the capital region through the Provincial Land Use Policies (PLUPs). They noted that the process to revise the PLUPs with new objectives incorporates a formal requirement for public consultation and is a more appropriate way for the government to establish its priorities and expectations for regional planning in all areas of the province including the capital region.

All review participants shared the perspective that the participation of Indigenous communities in the governance and decision making of regional planning boards is fundamental. They noted that the appointment of representatives from Manitoba Métis Federation and Treaty One Development Corporation were a step in the right direction.

Most review participants underscored the requirement that regional planning boards need to be established around a clear concept of shared benefit. They cited the recent experience of the Winnipeg Metropolitan Region to support this perspective. These participants noted that all stakeholders and the majority of citizens recognize that infrastructure projects, economic development, and service delivery can be more efficient and cost-effective when approached regionally. They shared that regional planning benefits extend beyond municipalities to support the requirements of industry and to all citizens of the province. These participants expressed that the concept of shared benefit isn't always clear or well-defined in the role or function of regional planning boards and that the government has an important function to establish their importance.

Many review participants observed that the implementation process would have benefitted by the government providing more guidance and support to all municipalities in the capital region on the following topics:

- Strengthening guidance about governance concerns during the implementation period specified in legislation after the adoption of the regional plan
- Confirming the certainty of securing predictable funding source that would not be dependent on fees from member municipalities
- Providing clarity on the expectation for the capital planning region board's role to ensure that member municipalities comply with the approved plan
- Clarifying the expectation of the WMR to function as a commenting agency or review agency as well as the expectation of the WMR in relation to appeals at the Municipal Board

Following the government's announcement to provide changes to the legislation requiring municipalities to be part of the Capital Planning Region Board several municipal, development, and industry participants reached out to the review team to provide supplementary feedback. Their perspective can be summarized as follows:

- There is an important role for regional planning organizations and regional planning in Manitoba, especially for a jurisdiction of this size.
- While there have been bumps in the process to move ahead with Plan20-50 and with the establishment of the capital region, there are many strong reasons for these actions to continue.
- Participants expressed concerns that the circumstances leading up to the government's action have eroded trust between participating municipalities.
- It is now more important than ever for the government to clarify its priority and expectations for continued regional planning work in the capital region and other areas of the province.

- There was hope that following this review the government would work identify a champion at the political level to re-establish a framework that is aligned with the government's objectives.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders, and the public on timeline requirements on the formation of regional planning boards:

- *"There should be clear provisions outlining a transparent mechanism in legislation granting flexibility to municipalities to opt-in or opt-out of not only the Capital Planning Region board but any regional planning board that may be devised in the future."* – AMM formal submission
- *"Our members identified several shortcomings with the provincial government's approach to implementing regional planning for the Winnipeg Metropolitan Region (WMR) during this review. When the Province established the WMR as a regional planning authority, it appears to have failed to give the WMR sufficient direction in what was to be achieved by its regional plan"* – UDI formal submission
- *"Many of the functions of a regional planning board are already addressed by municipalities through existing legislation. What is the reasoning for uploading these responsibilities to a new layer of authority?"* – Public survey participant
- *"The idea was a good one – how can you get all the municipalities around a city to talk to each other – you need an organization or association where they can sit around the same table and you need a plan to follow and a way to make decisions."* – Public survey participant
- *"It was a mistake to cave in to the complainers (15-min city people, Selkirk, Headingley, etc.). This bill will result in a break-down of coordinated planning."* – Public survey participant
- *"Allowing municipalities to opt out of the Capital Planning Region would defeat the entire purpose of a regional planning framework."* – Public survey participant

2.6. Regional plan role, adoption and emphasis

During the course of the review, the Capital Planning Region undertook public hearings on Plan20-50. There was significant public interest in these hearings including strong representation from individuals and groups who voiced strong opposition to the Capital Planning Region and the draft plan. Several member municipalities voiced concerns about the draft plan and their membership in the region during this process. In part as a response to this feedback, the Manitoba government announced changes to the legislation that requires municipalities to participate in the Winnipeg Metropolitan Region and Plan20-50. While the content of Plan20-50 and the decision making of the Winnipeg Metropolitan Region is outside of the scope of this review, these circumstances have had an impact on the review process and feedback received from stakeholders.

Legislation in scope of this review established a requirement that all planning regions, including the Capital Planning Region, must establish a regional plan, lead regional planning initiatives, and facilitate cost-effective regional infrastructure and services. The legislation established a formal adoption process requiring a public hearing and the process for adopting a plan that include its recommendation to the Minister. The Minister can approve the plan, reject it or refer the plan or part of the plan to the Municipal Board. The Capital Planning Region Regulation sets out expectations for the scope and content of the regional plan.

The introduced changes establish the approved regional plan as the highest-level planning document and requires municipalities and planning districts to bring their development plans and by-laws into alignment with the regional plan within 3 years of its adoption.

Background on the process to develop Plan20-50 and its relevance to the legislation under this review

The review scope does not include a full analysis of the capital region plan or the steps associated with its development, however, the review team believes that some context is relevant to readers of the review.

The Winnipeg Metropolitan Region planning team initiated the formal planning process for developing the capital region plan in December 2019.

The capital planning region board received direction from the Minister of Municipal Relations in November 2020 to finalize Manitoba's first regional growth plan for the Capital Region. This confirmed direction to finalize its work on the plan in the context of Bill 37. It established direction on the contents of the plan and established contacts for support within the department.

The Capital Planning Region Regulation was registered as of December 14, 2022 and came into effect on January 1, 2023. This regulation provided further direction to the capital planning region board on the plan and its content.

The WMR has conducted 131 facilitated sessions and meetings on the plan and its development from 2020 to 2023. These sessions included a wide range of stakeholders including municipalities, planning districts, Indigenous communities, industry associations, regulatory authorities, and other stakeholders to develop the plan.

The plan adoption process was initiated by the Capital Region Planning Board in September 2023 and a series of changes and updates to the plan. The board gave the plan first reading on June 13, 2024. Between September 2023 and June 13, 2024, the plan was presented in many public open houses and information sessions. These sessions were advertised to the public and through direct invitation. Formal public hearings were scheduled in Winnipeg on July 25, 2024 and in Niverville on August 8, 2024. These public hearings were advertised to the public in several newspapers and through direct communication to interested parties identified by previous consultation activities.

Many regional jurisdictions in Canada have a legislated regional plan that incorporates requirements for a range of planning policies to be developed including, but not limited to, economic development, land use, regional infrastructure and services, public services, transit, environment, drainage and the protection of natural spaces or agricultural lands.

Feedback on the legislation in scope of this review

Review participants had disparate views on the requirements set out in legislation for the initial regional plan for the Capital Region from the outset of the review.

The majority of all review participants shared the perspective that it is too early to tell if this part of the legislation is effective or not.

Municipalities outside of the capital region were clear that they did not have enough direct experience to comment in a meaningful way.

Most participants from capital region municipalities and those who have participated in the direct regional planning process, shared concerns about the legislated approval process. They noted that other approaches could have been taken to finalize and deliver a plan for approval by government. The key themes identified by these participants included:

- The speed at which the plan was being developed and implemented, without allowing sufficient time for understanding and adaptation for communities, stakeholders and the public
- Governance issues including a lack of clarity about the role that municipal councils play in relation to the Capital Planning Region Board in approving the plan
- Concerns about the representation for certain groups in the planning process including Indigenous communities, smaller municipalities and some industry sectors

These stakeholders expressed concern that the government had not provided sufficient guidance on key planning issues or on questions about the adoption of the plan.

Feedback from participants in the public survey were extremely varied with respect to the legislative framework establishing a regional plan. The majority of responses shared concerns about the balance of authority between a regional planning board and the function of a municipal council to guide development decisions. These participants noted strongly that municipalities should be able to determine the nature of development in their community without a requirement to align with a regional plan except by a decision of the local council. A minority of public participants expressed support for the regional plan and advocated for government to move forward with the approval of Plan20-50.

A number of capital region municipalities have identified concerns with specific recommendations within the plan including the application of its policies at the community level. The most commonly referenced issue was the requirement for density provisions to be incorporated in the plan and the degree to which member municipalities needed to align with this requirement.

During the course of the review, a significant minority of capital region participants notified the review team of their intention to request a formal exemption from the planning process prior to the initiation of the public hearing under the regulatory provisions established in legislation. As many as 9 municipalities subsequently passed council resolutions requesting exemption from the plan or identifying concerns with key provisions in the plan. (The review team notes this was a contributing factor to the government's decision to introduce Bill 42 that will establish a formal process for municipalities to withdraw from membership in the capital region.)

Development and industry participants shared concerns that the regional planning process was initially targeted at municipal stakeholders. They noted that engagement with strategic industries was not formally part of the planning process. These participants appreciated that the WMR team had adjusted to concerns identified by industry and changed the process to improve over time. They shared that this was a new process and that everyone would gain knowledge and insight to make the process better over time.

Most review participants shared the perspective that the initial emphasis on "shared benefit" and mutual cooperation had shifted to a more comprehensive planning framework reflecting broad requirements including land use and density. While they recognized that there is long-term benefit in those areas, stakeholders emphasized possible areas for improvement including:

- Removing provisions for density in favour of a more focused approach on regional infrastructure and transportation
- Restoring emphasis on joint pursuit of capital funding for infrastructure with strategic regional emphasis like wastewater treatment facilities and water distribution networks
- Aligning provincial funding decisions with defined regional projects that will have priority impact

Some WMR board representatives noted that the requirements for the content of the regional plan and its adoption were set by government. They noted that these requirements are based on sound planning practices implemented in most metropolitan communities in Canada as well as those in other countries. From a legislative perspective, they shared that the Planning Act does not provide clear direction on what scope is clearly regional as compared to local in terms of decision-making authority. They expressed that direction in The Capital Planning Regulation and the Provincial Land Use Policies is not granular enough to give clarity to the regional planning board or member municipalities about expectations. Based on experience to date, they noted that it may not be appropriate to establish global requirements because the requirements may vary for each region. They advocated for strengthening of the direction provided to a regional planning board through its specific planning board regulation.

Most stakeholders shared the perspective that more clarity is required for the transition period once the regional plan is adopted. Specifically, they highlighted the provision the regional plan

comes into full effect upon adoption is problematic. Concerns persist within many municipalities about the precedence of the regional plan during the 3-year implementation period after its adoption despite the fact that this concept has been defined in the legislation as enacted.

As part of the survey to municipalities, the review team asked capital region municipalities to provide an update on their readiness to align with the regional plan in the event it is adopted. Out of the 14 capital region municipalities that responded including the City of Winnipeg, 9 or 64% indicated they were in a good position to align their development plans and by-laws with the regional plan.

This supports the feedback from review participants that many capital region member municipalities have taken steps to refresh their development plans and to update their zoning bylaws. They noted that many provisions in Bill 37 created an increased urgency on this activity including the regional planning process.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders, and the public on timeline requirements for preparation of regional plans:

- *“Previously, municipalities and planning districts obtained input from government agencies, local boards, stakeholder groups, and the public, then developed community plans that reflected local character while accommodating Provincial government interests. Now, local Development Plans will have to comply with Plan2050.” – Public survey participant*
- *“However, when it comes to contentious issues such as this, the expectation for the regional plan must be guided by the province and the provincial interest, and clarity as to what is a regional expectation versus municipal one. The WMR received direction from the province, by letter from the Minister, to include density provisions in the plan and as such they were included. However, such topics as density may require more formal guidance in legislation, as even with a letter from the Minister directing the inclusion of density in the regional plan the WMR received push back on its inclusion.” – Consultation participant*

2.7. Role of the Municipal Board as appeal body for planning and development decisions

The legislative changes strengthened the role of the Municipal Board as the appeal body for many planning and development appeals across the province. It expanded the Municipal Board's existing role to consider a limited number of appeals under the Planning Act as well as extending the appeal provisions to the City of Winnipeg. The Municipal Board's appeal function was extended aspects of quarry and aggregate operations and livestock operations as part of these changes.

In exercising its authority as an appeal body, the legislative changes empowered the Municipal Board to make “any decision on a matter that a council would have otherwise made”.

The legislative provisions associated with the Municipal Board appeals rely on the Municipal Board's overall authority under The Municipal Board Act. In its capacity as a quasi-judicial tribunal under the Act, the Municipal Board has broad powers including the ability to conduct hearings, establish and publish its rules of practice, define procedural matters at a hearing and to dismiss appeal actions.

The Municipal Board Act has also been afforded wide powers as a court of record.. The Act also sets out requirements for the Municipal Board to publish its rules of practice regulating its procedure and time of sitting, and sets out the judicial notice of every order, rule, regulation or decision by the Courts, once published on their website.

The review of these legislative powers is not included in the scope of this project but board practices and procedures have a material impact on the legislation and its operation.

Feedback on the legislation in scope of this review

Views are mixed on the Municipal Board's role under the new legislation.

All stakeholders shared the perspective that there is value in an independent appeal process for planning and development decision making. The main difference in participant perspective is whether this appeal function should be established at the municipal or provincial level.

Development and industry participants as well as those in the legal profession share the perspective that there is a fundamental requirement for an independent appeal body outside of the jurisdiction of planning authorities and municipalities. They believe the Municipal Board or another provincial level body are the best forum for an appeal that is separate from local political influence.

Municipal stakeholders are nearly universal in the perspective that the scope of the Municipal Board's authority under the legislation is not appropriate. Their position is that municipal councils are in the best position to make decisions based on their knowledge and understanding of the local community. It is their mandate as elected representatives to make decisions based on local priorities and context. They advocated for an independent appeal function to be established at the municipality or planning district level.

The City of Winnipeg's formal submission was provided as an administrative report adopted by Council on September 26, 2024. This submission included the recommendation that there should be no applicant appeal to the Municipal Board.

All review participants shared the perspective that the appeal provisions in the legislation are too broad in terms of the Municipal Board's appeal decision making powers, the range of decisions that are appealable, and decisions about the scope of parties that have standing to appear in an appeal or referral process.

In that context, the provision identified by most review participants is the Municipal Board's authority to make "any decisions that a council would otherwise make" when combined with the Board's established practice to conduct a "de novo" hearing. They suggested that at minimum the Municipal Board's decision making authority should have a refined focus on the final council decision including its reasons for decision.

A strong majority of planning authority participants believe that the established process effectively means that the Municipal Board is not an appeal body but essentially functions as the "planning authority or hearing body". They noted that this has shifted accountability away from municipalities and enabled project proponents to use the threat of the appeal process as a mechanism for increased leverage during the approval process interactions.

All stakeholders also identified concerns with the impact of provisions requiring an automatic referral to the Municipal Board when sufficient objection is registered by at least 25 objectors. They noted that this provision has increased the number and frequency of board hearings resulting in delay and increased costs to all parties. This will be dealt with in more detail in **Section 2.9**.

All stakeholders expressed that, in response to the legislation, the Municipal Board has become a more litigious and costly forum instead of functioning as an independent tribunal intended to resolve disputes between parties in an expeditious manner.

The review team engaged with the Municipal Board members and administrative representatives during the course of the review.

The Municipal Board participants expressed a strong understanding of the concerns of all stakeholders about its role and function under the legislation. They noted that all the Municipal Board functions have been guided by principles of natural justice that work to ensure a transparent and fair resolution of matters with opportunities for input from all stakeholders. They noted that the main function of the Municipal Board provides:

- Independence from local decision making ensuring consistent application of local development plans, by-laws and policies within a provincial context

- A crucial safety valve for errors in decision-making at the municipal level
- Accountability for municipalities to keep their planning documents and policies current with current priorities
- A forum for members of the public to be heard on all appeal and referral matters to ensure that decision making processes are inclusive

The review team conducted research into the planning appeal structures of Alberta, Saskatchewan, and Ontario as part of this review. The emphasis of this research was to understand the structure of planning appeal mechanisms, the structure and function of appeal bodies and the role that these bodies have in relation to the role of municipal decision-making functions. A summary of this information can be found in **Appendix G**.

The key findings from this research when compared to the Municipal Board's role as an appeal body are as follows:

- An automatic objector process is not common, with most jurisdictions instead focusing on standard appeal processes
- Most frameworks emphasize the appeal rights of applicants and impacted landowners as well as required participation of appellants in earlier stages of the approval process
- Appeals to quasi-judicial boards in most jurisdictions are limited to prescribed statutory limits of appeal
- Other jurisdictions establish prescribed statutory limits of appeal to guide De Novo hearing practices.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on the role of the Municipal Board as appeal body for planning and development decisions:

- *"Chief among the [City of Winnipeg] public service's suggested changes is that applicants/landowners should no longer have the right to appeal decisions to the Municipal Board. As we've previously discussed, I strongly disagree with this suggested amendment. While the appeal provisions could be improved upon or somewhat refined, taking them away entirely is in my opinion completely unwarranted. The Province of Ontario (through the Ontario Land Tribunal, formerly the Ont. Municipal Board) and several other jurisdictions across the country provide for appeal rights to an independently appointed tribunal to resolve legitimate land use disputes. That is for good reason. Politics and irrelevant considerations should be removed from the equation and developments should be considered on their merits. I fail to see why City Council members should in all cases be the ultimate arbitrator of these types of disputes. If appeal rights are removed, an aggrieved landowner would have no other choice but to seek judicial review and that is extremely challenging in the context of municipal decisions. This is to say nothing of the cost and inordinate delay that would result if the Court was the only avenue of redress." – Consultation participant*
- *"Municipalities still retain local decision-making authority, as long as they deal with applications in a timely manner. The requirements set out in The Planning Act limit when applicants can appeal to the Municipal Board—applicants cannot file appeals in all circumstances. We support the ability for producers to file an appeal to the Municipal Board if applications are not handled in a timely manner; additionally, we support having the Municipal Board make final decisions of appeals. While recognizing the challenges municipalities encounter with the recent amendments (e.g., meeting deadlines, understanding new policies), we recommend the provincial government provide municipalities with adequate support and resources to ensure municipalities can meet the requirements of*

The Planning Act. Lastly, given the Municipal Board's increased workload, we recommend the province hire additional Municipal Board staff to enable prompt decision-making." – Producer group formal joint submission

- *"The ability to appeal also highlights other issues in contention, being that a decision of a municipality, that may in the minds of local elected officials, be in the local public good, but with a wider lens looking at the issues at hand, that local decision may not be in the interests of the greater good." – Consultation participant*

2.8. Effectiveness of the Municipal Board processes for planning and development decisions

All review participants shared concern about the effectiveness of the Municipal Board processes for planning and development decision making.

The common themes identified by stakeholders in this area included:

- Labour intensive, manual and inflexible processes for making application and providing documentation to support the Municipal Board processes including reliance on printed applications and restricted use of correspondence by email or other electronic means
- Lack of transparency into the Municipal Board administrative procedures including but not limited to status of scheduling hearings and order release timeframes
- Limited direction from the Municipal Board relative to coordination issues with municipalities on scheduling conflicts and alignment of decision-making processes
- Limitations in processes to schedule a hearing and manage notification to participants including the identification of facilities to conduct hearings in local communities
- Absence of clear policies, guidelines and procedures for complex cases brought before the Municipal Board
- Inconsistent hearing processes often dependent on the background or experience of the individual board members and acting chair
- Limited ability to access the Municipal Board decisions electronically including historical decisions that could be used to provide insight
- Inability of the Municipal Board to establish required case management functions for planning and development appeals
- Failure of the Municipal Board to achieve legislated timeframes to conduct hearings and publish orders or referral reports combined with a lack of clear repercussions for missed timeframes on the part of the Municipal Board

While an analysis of the Municipal Board's operational capacity is out of the scope of this review, most review participants shared the perspective that the Municipal Board has not been supported with the appropriate level of investment to enable its new responsibility for planning and development appeals/referrals. Many participants noted that there has been a noticeable impact on the Municipal Board's ability to support the other functions it has under legislation and to support to the other tribunals it administers.

Municipal Board review participants shared these concerns. The key limitations impacting Board performance they identified were:

- Staff shortages including full-time staff to dedicated to managing the planning and development appeal work load

- Budgetary constraints preventing investment to fully implement new procedures or solutions to facilitate improved processes like case management processes supported in other areas of the Municipal Board's jurisdiction
- Inability to implement electronic application, correspondence and decision publishing capability due operational and privacy constraints
- Reduced Municipal Board member complement to support increased hearing workload;
- Long training requirements for new board members restricting the size of the pool of experienced board members to draw on to chair hearings and develop decisions compared to historical levels
- Complexities associated with notice provisions under the legislation with an emphasis on coordinating with municipal officials to convene hearings in communities where appeals or referrals are initiated

The review team notes that un-proclaimed legislation to establish a Land Value Appraisal Commission outside the scope of this review is anticipated to reduce some of the workload of the administration team supporting the Municipal Board.

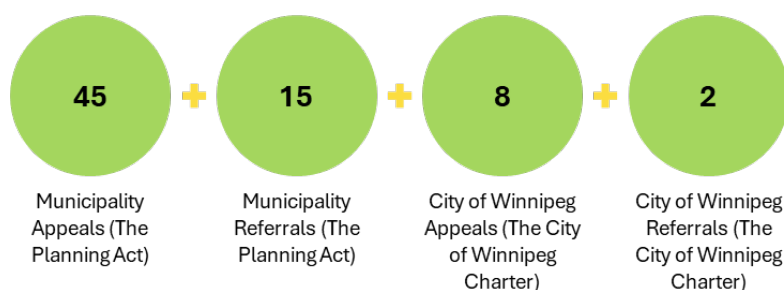
The Municipal Board participants confirmed that they were initially supported with a part-time term planning resource from the Community Planning Branch to support case inquiries and to provide technical support to the Municipal Board members and staff. This resource support has been discontinued.

Municipal Board representatives also noted challenges all parties to an appeal or referral are having to complete required applications and support documents to support the Municipal Board hearings. They noted that incomplete applications and filings have significantly impacted the Municipal Board's ability to meet legislated timeframes.

They noted that there has been a significant learning curve for these parties and the Municipal Board to adjust to the requirements for Municipal Board hearings under the new legislation

The review team conducted an analysis of the Municipal Board's performance against timeframes specified under the legislation. The full analysis can be found in **Appendix E**.

Figure 18: Manitoba Municipal Board Records Analyzed

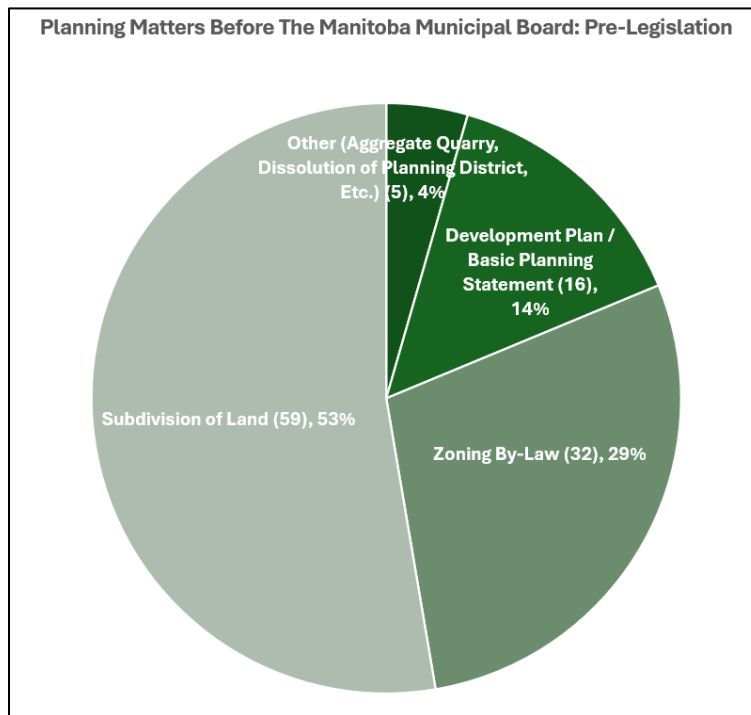


Source: *The Manitoba Municipal Board Data Request*.

A total of 70 appeal and referral records were provided by The Manitoba Municipal Board to complete this analysis. All analysis focused on the period after October 29, 2021 when these provisions came into force. The Manitoba Municipal Board was unable to provide their detailed internal referral and appeal application tracker. This resource would have enabled the review team to understand timeframes from receipt of an application or referral until the point at which the Board determined that these files were completed. The review team performed analysis of all scheduling metrics from the date the referral or appeal application was received by The Manitoba Municipal Board. This approach is consistent with the measures described the Province's Bill 37

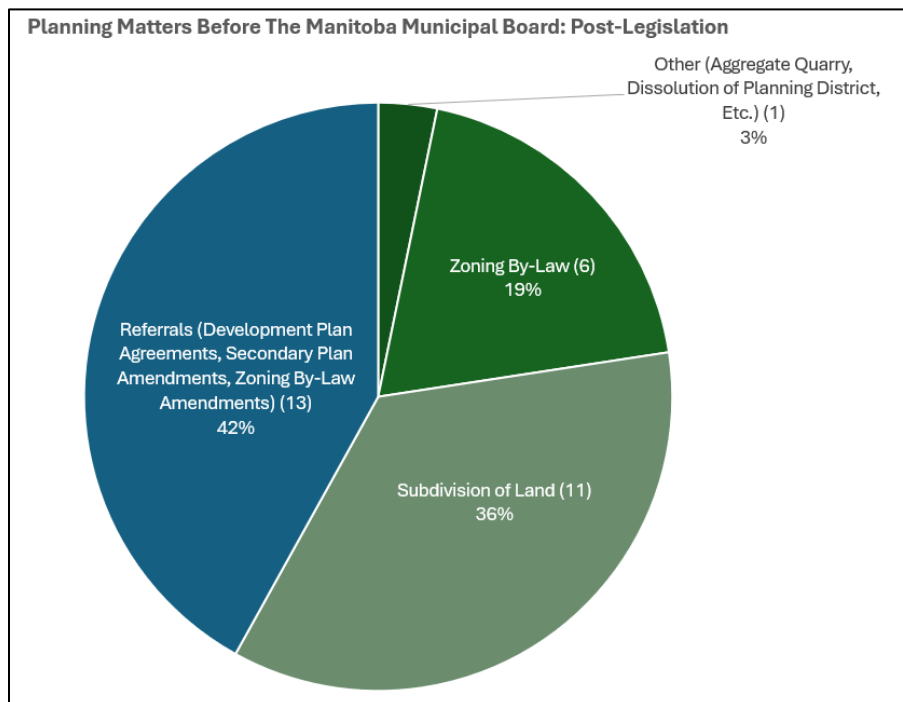
Implementation Guide and the review team considers it an acceptable proxy for the purposes of this review.

Figure 19: Planning Matters Before the Manitoba Municipal Board: Pre-Legislation



Source: The Manitoba Municipal Board Data Request.; Manitoba MNR

Figure 20: Planning Matters Before The Manitoba Municipal Board: Post-Legislation



Source: The Manitoba Municipal Board Data Request; Manitoba MNR

The key findings from this analysis are as follows:

- Overall, referrals have accounted for 35% of the Municipal Board's workload since the new legislation was introduced.
- The Municipal Board is not consistently meeting the legislated service standard targets assigned to common planning and development applications.
- There are two service standards for the Municipal Board:
 - The Municipal Board must conduct a hearing 120 days from receiving an appeal notice or notice of sufficient objections.
 - The Municipal Board must issue its order or referral report 30 or 60 days from the date of the Municipal Board hearing.
- The Municipal Board's performance under The Planning Act (Appeals and Referrals) provisions has been:
 - 62% of zoning by-law appeals are not meeting the 120-day service standard to conduct a hearing from receipt of application. The average time is 194 days and the longest time has been 481 days. 57% of zoning by-law appeal decisions are not meeting the 60-day service standard to issue an order from the date the hearing is completed. The average time for this measure is 83 days and the longest time has been 481 days.
 - 50% of zoning by-law referrals are not meeting the 120-day service standard to conduct a hearing from receipt of application. The average time is 111 days and the longest time has been 178 days. 100% of zoning by-law referrals meet the service standard of 60 days to issue an order from the date the hearing is completed. The average time for this measure is 33 days and the longest timeframe is 44 days.
 - 40% of subdivision appeals do not meet the 30-day standard to issue an order from the date the hearing is completed. The average time is 39 days from when the hearing is concluded to the order and the longest time has been 93 days.
- The Municipal Board's performance under The City of Winnipeg Charter (Appeals and Referrals) has been:
 - 25% of subdivision appeals are not meeting the 120-day service standard to conduct a hearing from receipt of application. The average time is 137 days to hearing with the longest time being 215 days.
 - 100% of the orders for subdivision appeals or referrals have been issued in 59 days.
- Generally, applications for appeals and referrals related to the City of Winnipeg Charter are completed within the prescribed timeline more often than those related to the Planning Act.
- The results validate that the Municipal Board is prioritizing appeals where there are specified timelines. Standard subdivision appeals subject to The Planning Act do not have a specified timeframe. The average number of days for these hearings to be convened is 174 days with the longest taking 343 days.

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on the effectiveness of the Municipal Board processes for planning and development decisions:

- *“The Municipal Board should be an appeal body, not a hearing body. If the Municipal Board hearing is a de novo hearing, then Council’s decision is irrelevant. This should not be the case. Municipal Council decisions should be identified and be important and should be the basis for all appeals.” – UDI formal submission*
- *“As we recognize that an appeals process with clear parameters and guidelines may be warranted, municipal Councils should be provided an opportunity to re-visit and make new decisions on land use applications, based on the findings of a modernized Municipal Board or similar body following an appeal.” – AMM formal submission*
- *“Case management and other mediation tools must be in place to resolve straightforward disputes before a Municipal Board hearing is scheduled.” – Municipal survey participant*
- *“They should do case management like they do for assessment appeals – that way they can get the easy stuff out of the way and have more time for the complicated stuff – also people would not have to get lawyers when all they want is to explain why something does not make sense or why they don’t agree with a decision.” – Public survey participant*

2.9. Balance between land owner rights and community interest in land development and planning decision making

The legislated changes introduced provisions for applicants to appeal to the Municipal Board for missed timeframes and to appeal specified decisions by the planning authority or municipal council.

They also introduced an automatic referral of planning matters to the Municipal Board when sufficient objection of 25 residents was received for the adoption or amendment of a zoning by-law under the City of Winnipeg Charter or the Planning Act.

Under the Planning Act, sufficient objection provisions for zoning bylaws require the matter to be referred to the Municipal Board. The Municipal Board must then issue an order.

Under the Charter, sufficient objection provisions require the matter to be referred to the Municipal Board. The Municipal Board must then submit a report with recommendations to council.

These provisions were established to create a legislated protection for the public for development decisions that would have a significant impact in the community.

Feedback on the legislation in scope of this review

Stakeholders had mixed views about the balance of land owner rights and provisions in the legislation intended to protect community interest.

Municipal stakeholders noted that the legislation established the ability for project proponents to appeal planning authority decisions based on failure to meet established timeframes as well as decisions by council. They recognized that the objector provisions were intended to provide an offset to an applicant’s legislated appeal rights.

Specific themes identified by Municipal stakeholders about appeal and objector provisions in the legislation included:

- The legislation creating an imbalance in favour of project proponents and essentially positioned municipalities as an obstacle to development despite their legislated role to oversee development in their community

- Increased financial risk for planning staff and councils being named to a legal challenge resulting from processes to turn down an application
- Legislated timeframes being established without consideration of existing processes for Council decision making or an understanding of the capacity of organizations to introduce changes
- Lack of clarity from government on the application of a planning authority's reasons for decision not to approve and the subsequent role that these decisions have in the required appeal process
- Concerns that referral processes to the Municipal Board can be initiated before a Council has even had an initial public hearing
- Concerns that there no longer appears to be a circumstance where a municipality can realistically reject an application without being subject to a risk of going through an appeal or referral process

The majority of municipal participants provided feedback that the emphasis on applicant appeals is inappropriate, especially combined with provisions in the legislation that emphasize the applicant's rights to seek costs from the Municipal Board. While they recognized that the legislation provides the Municipal Board with discretion on costs, they believed that the rights of municipalities to recover costs should be made equivalent.

Development, industry, and legal participants shared the perspective that at a basic level the legislation has been successful in establishing a basic framework for project proponents to move forward when there is a fundamental disagreement on a project or its approval with a planning authority. These proponents also shared experience that some municipalities continue to make decisions that are not consistent with Council approved plans and by-laws. In that context, they noted that the right to an appeal is fundamental.

These stakeholders noted that there are inconsistencies between the appeal rights of developers or land owners in the City of Winnipeg as compared to those operating in communities governed under the Planning Act.

All stakeholders shared the perspective that the provisions to establish an automatic referral to the Municipal Board when 25 or more objectors have been identified is not functioning appropriately. They noted that this process has resulted in:

- Delays in decision making for critical projects, including housing priority initiatives associated with the referral process
- Increases in the number of unnecessary referral hearings where there are no inconsistencies in planning authority decision making
- Increased risk of abuse of the legislation by NIMBY interests and frivolous appeals by individuals who are not directly impacted by the development resulting from an application

The vast majority participants noted that while the 25-person limit represented an attempt to establish a consistent threshold, in practical terms, it is not working appropriately because the threshold number of objectors is still too low. They advocated for an immediate increase to these thresholds and for a re-evaluation of this concept based on experience to date under the legislation.

Public participants participating in the questionnaire expressed a lack of understanding of the appeal and referral provisions in the legislation. They noted that significantly more public education is required on these concepts by the department and municipal authorities.

All stakeholders felt that improvements to the legislation in these areas would be strengthened with:

- Ensuring the appeal rights of landowners are consistent between the Planning Act and City of Winnipeg Charter
- Increasing the threshold for automatic referral based on the scope of the original council decision and population of the jurisdiction responsible for the decision
- Clarifying which parties should have legal standing to appeal and making updates to the corresponding notice provisions
- Clarifying whether and how a petition would meet the requirements for the minimum referral standard for objections under the legislation
- Establishing standard application filing fees for all appeals including objector referrals
- Providing guidance to the Municipal Board on its ability to assign costs for frivolous or vexatious appeals under the legislation including the potential for Municipalities to recover costs

The following representative quotes reflect the feedback of municipalities, development and industry stakeholders and the public on the balance between land owner rights and community interest:

“In my view, there should also be a level of consistency regarding appeal rights under The Planning Act and the City Charter. Developers or landowners applying for subdivisions or zoning by-law amendments in a neighbouring RM should not have greater or lesser appeal rights than those within City limits.” – Consultation participant

2.10. Feedback on review process

This section incorporates feedback from participants about this statutory review process. It includes feedback on the consultation process and overall review methodology as well as specific feedback on the regulatory performance data analysis activities.

A detailed overview of the methodology for the review including the regulatory performance data analysis activities can be found in **Appendix B**.

2.10.1. Overall approach, methodology and process

Participant feedback on this statutory review process was consistent across all stakeholder groups and interests.

The main themes were as follows:

- Participants expressed appreciation for the review team's approach. They found the process to be thorough and were pleased with the opportunity for in-person consultation.
- The review team's efforts to engage with various stakeholders was viewed positively. Stakeholders appreciated the team's efforts to gather diverse perspectives and the structured nature of the consultation process.
- Participants noted that review team's efforts to ensure broad and representative stakeholder representation was worth the effort and had significantly increased confidence in the review findings. Specific feedback on stakeholder selection emphasized:
 - Participant size and capacity within a specific sector (e.g. large/medium/small developer or City of Winnipeg/urban/rural municipalities)

- Participant perspective by focus area (land development, quarry and aggregate, livestock)
- Participant perspective by experience with legislation especially for regional planning board and appeal provisions
- Participant perspective by geography within the province
- Participants expressed satisfaction with the depth of the discussion and the team's willingness to explore complex issues. They felt the review process was thorough and allowed for a meaningful exchange on the relevant topics.
- Participants commented on the multi-disciplinary nature of the team. They noted that the ability to bring team members with planning, legal expertise and analysis capability together with an understanding of the development process and municipal government was fundamental to achieving a review with solid outcomes.
- Participants noted the review team's preparation and steps taken to be prepared for discussion about issues relevant to each group of stakeholders.

Some representative quotes from session participants included:

"This was as the best consultation on the legislation that we have participated in, and, while we understand that the government is responsible for the response, there is comfort that the review team was really listening and trying to address/understand/reflect on the legislation and its impact." – Consultation participant

"The AMM wishes to once again thank Braid Solutions Inc. for their objectivity and professionalism throughout the conduct of this independent review. We also greatly appreciate the openness and willingness to collaborate with our association when facilitating targeted municipal focus group meetings and consultations with our members." – AMM formal response

"The process used for this legislative review to obtain substantive feedback from stakeholders and industry experts was very well done and appreciated by our members. This is a model that should be looked at for future similar reviews." – UDI formal response

The review team was provided with feedback about their efforts to ensure that stakeholder comments in the in-person sessions was aligned with the actual wording or in scope intention of the legislation as follows:

"I did not appreciate how our perspective was challenged in the meeting. We interpret the legislation in a specific way and we should not be corrected when sharing our interpretation." – Consultation participant

Participants expressed frustration that the timing of the review coincided with the summer busy period for planning and development activities.

Some participants questioned the timing of the review despite the fact that it was being conducted as a legislated process. Many stakeholders felt that the review was occurring too soon after the implementation of the legislation, before anyone could fully understand and experience its impacts.

Municipal participants felt that the timeframes associated with a formal legislative review would not meet the needs of municipalities looking to implement new or changed processes to access Housing Accelerator Fund support. They highlighted that a more responsive process was required to ensure that there would be no delay in the province making changes so that municipalities achieve program requirements.

The review team received feedback through the public survey that the EngageMB public survey was not appropriately advertised. This feedback highlighted media coverage about this topic.

Phase II review participants supported the idea of maintaining and repeating the review process in the future, though with some caveats and suggestions for improvement:

- Many participants saw value in ongoing reviews to ensure legislation remains effective and responsive to changing needs. They appreciated the opportunity to provide feedback and have their concerns heard.
- Some stakeholders suggested that future reviews should be more frequent or regular, rather than waiting for a full statutory review cycle. This would allow for more timely adjustments to the legislation.
- There was a desire for more transparency and follow-up on how stakeholder input is used in the review process. Participants wanted to see clear outcomes from their involvement. Some participants questioned the value of the review if they were not engaged on the resulting recommendations before they were made to government.
- Several stakeholders emphasized the importance of maintaining in-person consultations in future reviews, as they found these more effective than virtual or written submissions.
- A few stakeholders expressed concern about "consultation fatigue" and suggested that future reviews should be streamlined to avoid overburdening participants.

2.10.2. Regulatory performance data analysis and survey

Stakeholder feedback provided on the regulatory performance data analysis process was mixed.

Development and industry stakeholders noted that this is a critical part of the process and that transparency with respect to outcomes should be fundamental component of the review. Some development stakeholders highlighted concerns that the data provided by municipalities would not provide a consistent picture of challenges, especially for the City of Winnipeg.

While the majority of municipal stakeholders supported this activity being incorporated in the review, over half of Manitoba's municipalities (74) did not participate.

The main themes identified by municipal stakeholders about this part of the review were:

- Despite the expectation to provide data to support the review being communicated by MNR, a minority of municipalities challenged the requirement to participate in this part of the review because there was no formal requirement to provide data set out in the legislation.
- Some municipal stakeholders raised concerns about how the information would be used in the review. They expressed concern that it would not be transparently shared with stakeholders and that it would be used to reinforce policy decisions by government without further input.
- Many municipalities noted that the level of effort to meet the request was significant. This concern was particularly significant for municipalities who maintained paper-based systems to process their planning and development applications because it required them to manually retrieve all relevant records so they could be submitted. Larger municipalities (e.g., the City of Winnipeg) with more staff were better positioned to complete the request while smaller and more rural municipalities had to reallocate their resources and business priorities to meet the request's timelines.
- All municipalities noted that planning and development activity is high for most municipalities in Manitoba over the summer months compared to other times in the year. They noted that the timing of the request introduced challenges to support the request in contrast to other work activities.

- Some municipalities raised concerns about the quality of records and data that would be provided through the data request given the limitations identified above and the lack of a consistent tracking methodology across the province. Some stakeholders expressed concerns that firm conclusions about the state of municipal planning and development would have limited value without having full visibility of all transactions completed under the legislation.
- Some municipalities expressed concerns that the final data collection method incorporated fields that were either not tracked or managed differently. They noted that while the supporting materials were helpful, they could not provide the required information in the format that was requested in all situations.

In its formal response to the review team, AMM expressed the sentiment of a majority of municipalities this way:

“While [AMM] appreciated the flexibility that was ultimately granted to municipalities and an extension to the submission deadline, the initial scope of the request was excessive and cumbersome for many of our members. The tight response timeframe in the middle of summer quickly overwhelmed municipal offices given staff availability and resourcing constraints. For example, one of our members calculated it would take 800+ hours to fulfil the original data request. As the capacity and resources of municipalities varies greatly across Manitoba, we would encourage the Province to allow sufficient time and provide resourcing support to help municipalities fulfil similar, but more refined, requests in the future.” – AMM formal submission

An assessment of the regulatory data analysis and the review team’s perspective on its applicability to the review is included in **Appendix B Section 1.2**.

3. Recommendations

This section sets out the review team's recommendations to the Minister of Municipal and Northern Relations and the Manitoba government as a result of the statutory review process.

These recommendations are directional in nature. The review scope did not include detailed validation of testing with stakeholders or the development of detailed implementation proposals.

This statutory review has confirmed that there are merits in many of the concepts informing the legislative changes introduced through former Bills 19, 34, and 37 The Planning Act C.C.S.M. c. P80 and The City of Winnipeg Charter, SM 2002, c.39

It has also demonstrated that legislation and regulation are “blunt instruments” that set the tone and context for all stakeholders and the public in the areas where they establish operating expectations.

The recommendations set out in this section have been developed to address concerns identified with the underlying legislation while establishing policy, direction, and operational considerations that will improve adoption.

3.1. *Recommendations*

The review recommendations are organized into the following theme areas:

- Recommendations with respect to the overall structure and performance of the legislation
- Recommendations with respect to establishing a common service standard
- Recommendations with respect to establishing a framework for regional planning
- Recommendations with respect to establishing an independent appeal function
- Recommendations with respect to conducting future statutory reviews

3.1.1. **With respect to overall structure and performance of the legislation**

Recommendation 1: Within one year, report to government on recommended improvements to planning and decision-making processes (“Reset the table”)

- Establish a working group co-chaired by the Deputy Minister, a senior municipal leader and a senior industry representative to develop a new policy framework based on the priorities of the current government.
 - Reframe the problem for all stakeholders based on the shared challenge and benefit of improving planning and development decision making processes in all parts of the province.
 - Highlight accomplishments made by all municipalities, as well as the challenges that have been experienced since its legislation.
 - Recognize the difficulty of long-established processes and practices for all planning authorities.
 - Recognize the constructive role and function that the industry and development stakeholders play in working with government and municipalities.
 - Acknowledge the important role that planning and development decision making has for the citizens of Manitoba.

- Establish a mandate for the working group to make recommendations to government on priorities, strategies, and alternatives to improve planning and decision-making processes in Manitoba within 1 year on:
 - Changes to the Planning Act and City of Winnipeg Charter with an emphasis on simplifying the entire development lifecycle from first contact with an approving authority to finalization of a development agreement.
 - The roll-out process, phasing, and investment requirements to enable implementation of the recommendations.
 - Require working group to provide progress updates to government and the public at key milestones.
 - Encourage establishment of subgroups or action teams with a focus on analysing and making recommendations on major issues with an emphasis on key lifecycle/milestones/stages in the planning and development decision making process.
- Consider including an update to the Planning Act and supporting provisions of the Municipal Board Act and City of Winnipeg Charter focused on council/ planning authority decision making in the mandate of the review.
- Consider opportunities to further clarify the role and application of available structures under this legislation including planning districts, planning region boards, and planning commissions.
- Consider opportunities to identify recommend improvements for the adoption of procedures by-laws that streamline hearing and council approval processes.

Recommendation 2: Make priority changes to the current legislation that address key issues identified by stakeholders and the public during this review (“We heard you”)

- Consider options to incorporate directly within legislation or supporting policies global principles that emphasize the shared responsibilities of all stakeholders to work towards a common goal of improving the speed and quality of planning decision making.
- Consider opportunities to address existing imbalances in the legislation including but not limited to:
 - Standardizing the language and concepts between the Planning Act and City of Winnipeg Charter with an emphasis on eliminating differences in timeframes, service expectations, and appeal provisions.
 - Equalizing provisions that emphasize the rights of development and industry stakeholders ahead of the role of municipalities where there is no procedural requirement for a difference
 - Refining key legislative and regulatory concepts described in recommendations 3 to 18.
- Establish a working group to review the specific drafting concerns and suggestions identified by stakeholders during this review to determine those that require priority action with priority on addressing corrections or refinements that add clarity to the interpretation of the legislation as a short-term measure
 - Publish a clear FAQ in response to the specific clauses identified for action as part of this process with a clear explanation of the drafting intent, resolution, and adjustment that will be made in the adjustment bill if this is required.
- Establish a contact in MNR with clear accountability to field inquiries from stakeholders on the legislation and empower them to provide meaningful guidance and support to questions.

Recommendation 3: Establish an extended capacity building program in MNR targeted at planning and decision-making stakeholders and the public (“Building strength”)

- Explore opportunities to create a formal training program through partnership with AMM and MMA targeted at municipal elected leaders and administration.
- Investigate available training frameworks from other jurisdictions with an emphasis on the role of councils as a planning and development decision making bodies with an emphasis on: Orientation to the land development lifecycle, development approvals and planning decision making, reasons for decision and their application, and appeal rights and processes.
- Develop an orientation program for provincial review departments and agencies involved in planning and development decision making.
- Develop educational material for the public that expands on information provided in The Planning Act Handbook focused on: basic land development and planning concepts, planning and development decision making, and citizen rights in the appeal process.
- Consider opportunities to establish standard templates and process guides to support municipalities with key process requirements identified in this review including but not limited to standard applications, application review check lists, pre-screening forms for initial meetings with an applicant, records of decision, and standard development agreements.

3.1.2. With respect to establishing a common service standard

Recommendation 4: Improve municipal accountability and ownership of service standards and timeframes (“Shared accountability”)

- Consider the merits of re-defining the legislated timeframes for application, review and council decision as a maximum overall timeframe and provide individual municipalities with the ability to develop, publish and report on their own service standard outcomes for intermediate process steps within this overall time frame standard.
- Consider approaches that allow municipalities the flexibility to define milestones that meet local requirements with an emphasis on intake/application processes and the establishment of development agreements within the overall timeline standard.
- Establish formal requirements for municipalities to provide reporting and data updates to the government on a periodic basis (i.e. quarterly).
- Establish a requirement for a municipality to identify the “official” source of its planning decision making performance records when it is a member of a planning district.
- Establish a working group to standardize definitions for performance metrics and include these definitions in the legislation or regulation and in all capacity building information.
- Work with municipal, development and industry groups on pre-application and development agreement timelines to improve these measures and their applicability to the work requirements.
- Consider establishing a compliance and performance management escalation process in MNR when municipalities fail to achieve their own published performance targets for 2 consecutive reporting periods.

Recommendation 5: Support municipalities with a transition to digital application and permitting systems (“Data informed decision making”)

- Work with Manitoba Public Service Delivery (Government Services) to evaluate options to procure a common cloud-based solution that could be accessed by municipalities as a shared service or through a master license arrangement.
 - Consider a funding model to match municipal investments with provincial funding support targeted at implementation costs and staff training.
 - Consider opportunities to tie funding support to formal commitments by municipalities to achieve and maintain service standards.
- Develop a standardized data reporting framework for municipalities to ensure consistency in the type, format, and timing of data collection in order to make comparisons and analysis easier across different regions.
 - Consider opportunities to standardize planning application terminology.
- Consider providing resources to support reporting and specialized analytics for smaller municipalities including training on data management and analysis to improve data quality and consistency.
- Consider approaches to match provincial and municipal investments in reporting resources or assigning regional data specialists in the department who can support multiple municipalities in the proper collection, management, and interpretation of planning and development decision making data.
- Consider opportunity to work with UDI/MHBA/Industry to establish a nominal planning and development application surcharge to create a directed funding support for this platform.

Recommendation 6: Strengthen provincial plan review and circulation processes (“Getting our own house in order”)

- Establish a strengthened application review and commenting capability in government.
- Set formal timeframe expectations for development and planning review departments and agencies within the Manitoba government.
- Identify resource and capacity building requirements with an emphasis on strengthening major functional review areas.
- Work with the Minister responsible for Hydro to incorporate strengthened service commitments from the utility for plan review, design and permitting functions.
- Fund targeted investments in planning and assessment studies needed for review departments to provide more complete requirements and assessments at the time of application review including, but not limited to, transportation, infrastructure drainage, wetlands, historic resources, and mines/minerals.

Recommendation 7: Develop/strengthen existing funding programs to support municipalities with the costs of priority infrastructure servicing/planning studies (“Closing gaps in understanding”)

- Establish or strengthen an existing program to fund targeted regional infrastructure and planning reviews intended to eliminate “knowledge gaps” with the aim of improving the quality and speed of application processing.
 - Establish criteria for matching program investment by municipalities.
 - Consider potential to align priority setting and municipal investment with government planning and assessment programs set out above.

- Define criteria for program participation including requirements for municipal participation and outcome reporting.

Recommendation 8: Reinforce reasons for council decisions

- Consider opportunities to change the concept of council decisions to include both approvals and rejections.
- Incorporate principles of procedural fairness to define reasons that are focused on the application of approved municipal development plans, by-laws, policies and the impact of the development on the surrounding community.
- Provide guidance in legislation or regulation about the use and application of council decisions in the appeal process.
- Incorporate training for municipal administrators and council members on reasons for decision, their development, and use.

Recommendation 9: Provide guidance on completeness of applications in regulation or policy documents

- Conduct research on processes in other communities to better understand the concept of completeness in their intake and application review processes including approaches to accelerate the preparation of a complete report with all identified conditions prior to public hearing.
- Work with municipalities and the development industry to establish a phased implementation plan that creates meaningful steps towards improvement based on this research.
- Consider opportunities to undertake a pilot process jointly with the City of Winnipeg and 2 to 3 municipalities in other parts of the province.
- Document and communicate outcomes and best practices from this pilot.
- Establish refinements for a refined definition of completeness in legislation or regulation based on the outcomes of this project.

Recommendation 10: Improve the process and timeline expectations for development agreements

- Establish and refine development agreement timeframes with input from industry.
- Work towards defining a phased process based on complexity and approval conditions.
- Encourage municipalities to explore opportunities to phase development agreements with an emphasis on milestones for conceptual approval, design completion, construction and servicing, and close out.
- Require municipalities to develop and publish standardized agreements with standard schedules and development standards.

Recommendation 11: Continue to refine major development provisions

- The concept of allowing development permits for phases of a major development has merit and will accelerate timelines for approvals, however, the current provisions in the legislation should not be proclaimed without further refinement:
 - Continue to consult with industry on the application of the concept of a major development with an emphasis on the application of the concept for major projects at the scale of an entire neighbourhood, urban corridor or sector of a community.

- The applicability of this concept for small infill projects or local scale projects should be deferred until there is experience with the concept on a larger scale.
- Consider alternatives to reintroduce provisions for this concept in a future legislative update.

3.1.3. With respect to establishing a framework for regional planning

Recommendation 12: Reframe regional planning expectations based on current provincial priorities (“Reinforce regional cooperation”)

- The current legislative framework is very comprehensive and aligned with current practices in many jurisdictions.
- It establishes a robust framework with clear powers and capacity to enable an approach where there is a requirement for a strong role for a regional level planning and decision-making body.
- Consider the applicability of this approach in comparison to government’s priorities.
- Identify a champion at the ministerial level and define objectives in a direction letter that include outcome expectations and timelines.
- Engage capital region municipalities in a dialogue about future directions and priorities.
- Consider policy options and incentive structures to reinforce shared benefit of regional planning including, but not limited to:
 - Accelerated project approvals of funding support for communities
 - Prioritized commitment for provincially matched funding support within federal funding programs with this requirement
 - Establish regionally supported initiatives with a higher priority for funding and approval processes
 - Provide direction for areas with an approved regional plan to be prioritized for capital investment by Manitoba Water Services Board, Manitoba Hydro, and other government departments
- Work towards establishing a 5-year funding commitment for the capital region planning board that includes achievement of milestones and outcomes recommended by member municipalities.

Recommendation 13: Address priority areas of concern identified with the regional planning board model (“We need to adapt”)

Establishing a regional planning board

- Retain powers for a municipality to apply to establish a regional planning board and by decision by the Minister.
 - Consider establishing guidelines for the Minister’s powers to establish a planning region as an exceptional power with emphasis on concepts like sustained service limitations, failure of municipalities to fulfil objectives or other similar concepts.

Board appointment and membership

- Establish a process to identify and elect a chair from all members.

- Reconsider the composition of the regional planning board with an emphasis on role and function of members appointed by government.
- Consider opportunities to strengthen the involvement and participation of key groups in the planning board including, but not limited to, Indigenous communities, municipal administrators and industry.

Regional planning board decision making rules

- Consider incorporating provisions that emphasize consensus-based decision making and to reposition the Minister's legislated powers as a backstop.
- Consider opportunities to restore previous decision making approach from the current "super majority" provisions to a "double majority" that requires key decisions to be supported by municipalities with a majority of the population AND support from 2/3 of member municipalities.
- While there are obvious challenges associated with this approach, consider changes that require municipal councils to endorse major planning region by-laws and plans by resolution within stated timeframes and/or for major plan updates.

Voluntary termination provision

- Incorporate a voluntary termination provision within legislation that allows municipalities to resign from a regional planning board.
 - Incorporate a 12-to-24-month transition period with defined milestones.
 - Establish a milestone that allows the municipality to suspend the termination process and resume participation as a member municipality.
 - Consider defining the support that individual municipalities will receive from the province when they are a member or not a member of a planning region.
- Remove named municipalities in the Capital Region from legislation and establish a process to confirm membership by regulation.

Role of a regional planning board in relation to municipalities and planning districts

- Improve legislative clarity and consistency regarding the roles, responsibilities, and authority of planning region boards versus local municipalities and planning districts.
- Clarify the jurisdiction and authority of local councils as compared to regional planning boards working within a standard hierarchy of functions.
 - Consider application of a structured process specifically intended to clarify decision making rights like the RAPID® framework.
 - Take steps to reinforce that development approvals and land use decision making processes are a municipal function as part of this process.
- Consider re-positioning a planning region board in legislation as a policy setting, planning, and coordination body to improve adoption.

Implementation period

- Stakeholders understand that the regional plan is effective on adoption.
- Address concerns and clarify expectations of member municipalities with respect to the implementation 3-year period post regional plan adoption with an emphasis on approval expectations, processes for Councils to vary existing plans and by-laws with as minor variation, and the support that will be provided by MNR during this process when required.

- Address concerns about updates to the regional plan triggering frequent significant municipal development plan and by-law updates with support from the WMR team.
- Clarify how the effective regional plan does or does not have an impact in Municipal Board appeal or referral processes.
- Prepare an FAQ or similar reference document as support to elected and administrative council members (and the public).

Regional plan alignment

- Together with the WMR team and member municipalities, clearly define the hierarchy and relationship between regional plans, development plans, and zoning bylaws to identify any potential conflicts and to improve understanding.
- Provide clear guidelines on how to evaluate local by-laws for alignment with the regional plan. This includes specifying which parts of the regional plan are relevant and applicable to local development applications.

Recommendation 14: Develop communication and education materials for the public focused on regional planning (“Engage and inform”)

- Partner with government communications to develop a focused public relations and education program once a renewed direction has been established by government.
- Consider using market research and focus groups to understand key policy priorities from the public across all parts of the province.

Recommendation 15: Update the Provincial Land Use Policies to reflect current government priorities (“Define our competitive advantage”)

- Initiate a formal consultation process to update, or to make improvements to, targeted sections of the Provincial Land Use Policies:
 - Consider opportunities to further define specific land uses with a strategic provincial interest as well as to establish priorities and expectations about their management in a local context.
 - Consider opportunities to incorporate more specific regional planning parameters within the PLUPs including expectations for concepts like town centres, density expectations, and regional infrastructure and servicing coordination.
 - Consider opportunities to incorporate guidance on coordination with Indigenous communities in the spirit of economic reconciliation.
- Establish in the PLUPs or supporting policy, clear direction about the alignment of strategic priorities and community interests at the local level including expectations for local decision making when conflicts arise.

3.1.4. With respect to establishing an independent appeal function

Recommendation 16: Refine the role of the Municipal Board as an appeal body (“Refined appeal body”)

Provincial appeal

- There is a clear difference of perspective about whether a planning appeal function should be retained at the provincial level or be implemented as a part of municipal process.

- There are strong arguments within a Manitoba context for the appeal function to be retained at a provincial level. These are supported by practices in other jurisdictions across Canada.
- Retain an independent appeal function at the provincial level.

Clarify role of municipalities and Municipal board as administrative tribunal

- Establish in legislation that:
 - In carrying out their responsibilities under the Planning Act or the City of Winnipeg Charter, the Minister, the council of a municipality, a planning district, and the Municipal Board, shall have regard to, among other matters, provincial interest, good planning principles, and public interest.
 - When the Municipal Board makes a decision under the Planning Act or the City of Winnipeg Charter that relates to a planning matter, it shall have regard to:
 - Any decision that is made under the Planning Act or the City of Winnipeg Charter by a municipal council or by an approving authority and relates to the same planning matter
 - Any information and material that the municipal council or approving authority considered in making the decision with emphasis on the Council Resolution, Reasons for Decision, Administrative Report and Recommendation, Development Plan, By-laws and Policies, and Record of any Oral or Written Public Representation at the Hearing
 - The Municipal Board may allow an appeal only if the council or approving authority decision is not generally consistent with or contravenes provincial land use policies, municipal bylaws, or approved municipal land-use policies.
 - The Municipal Board shall not make any decision that commits a council to make any expenditure with respect to a development.

Consistent application rules

- Appeal rights under the City of Winnipeg Charter and the Planning Act should be uniform, as there should be no distinction of rights afforded to those who live outside the City of Winnipeg versus inside the City of Winnipeg.
- Referral decisions under the Charter should be redefined as orders rather than defined as a report and recommendations.

Municipal Board procedure

- Retain the Municipal Board's authority to make decisions at its discretion.
- Recommend that the Municipal Board work with stakeholders to develop guidelines or procedures as to when the Board will make an order or provide recommendations back to the council or local authority.
- Consider that Municipal Board jurisdiction could be, in certain circumstances, to make a recommendation to the Minister instead of deciding the matter (e.g. matter of provincial interest)
- Provide Ministerial direction to the Municipal Board or clarify in legislation that it should action its established authorities under The Municipal Board Act within a specified timeframe with an emphasis on:
 - Ensuring that all materials provided to the Municipal Board, as part of an appeal, should be available for review by all parties involved in the appeal.
 - Publishing orders and decisions electronically

- Adapting procedures for electronic application filing and correspondence
- Implementing hearing procedures that minimize administrative complexity and emphasize accelerated decision making
- Establishing clear procedures for case management and dismissals of appeals by the board
- Taking steps to simplify processes with an increased emphasis on timeliness

Balance cost determination provisions

- Adjust the legislated emphasis on the Municipal Board's ability to determine costs in favour of the appellant to a more universal provision for determination of costs for a party to an appeal (legal authority currently under the Municipal Board Act).

Recommendation 17: Replace the concept of an automatic objector with a standardized process of appeal ("Equal appeal rights for all")

Short term relief

- Provide short term relief to automatic objector provisions by increasing the number of residents required to trigger a referral
 - The increase should reflect the size of the community in which the objection is being registered.
 - The number of objectors should represent a meaningful proportion of residents in the neighbourhood or community.
- Establish a requirement that there should be no objector referral before there has been a public hearing of the matter.
- Confirm in legislation or regulation that ratepayer/party petitions are not deemed sufficient notice for any application or appeal.

Standard appeal rights for applicants and impacted parties

- Replace in legislation, the automatic objector provisions with an equivalent right to appeal a municipal decision for public appellants for specified council decisions within 14 days.
 - For this purpose, a public appellant would be defined as a property owner with land or property with:
 - Proximity and adjacency to the proposed development or policy change.
 - Direct association with the proposed development or policy change.
 - Material adverse effect or harm from the proposed development or policy change.
 - Public appellants must have participated in the public hearing before council through written or oral submissions.
 - For this purpose, a public appeal should be established for council decisions to:
 - Establish or amend a development plan
 - Establish or amend a secondary plan
 - Establish or amend a zoning by-law
 - Approve a major subdivision
 - Consider the merit of allowing any affected party of the municipality to make representations to the Municipal Board in writing.

- Consideration could be given to the applicability of this concept for decisions by Council to approve a conditional use with input from development and industry stakeholders.
- Establish an application process and fees for appeals by public appellants consistent with those on the part of an applicant for a development.

Recommendation 18: Provide technical planning support to the Municipal Board (“Aligned professional expertise”)

- Consider opportunities to permanently assign additional resources within MNR to provide this support.

3.1.5. With respect to conducting future statutory reviews

Recommendation 19: Continue the process to include periodic statutory reviews in legislation (“Commitment to refine”)

- Work towards establishing measurable objectives for each period of implementation review based on feedback from stakeholders from this review.
 - Identify opportunities for an interim update on priority recommendations actioned by government from this review process.
- Adopt leading practice to complete the review outside of the program area responsible for the legislation under review including establishing the Deputy Minister as sponsor.
 - Establish a working group with representation from business area as well as critical functions necessary to support the review including communications, legal, or analysis resources.
 - Consider opportunities to establish an advisory team with key stakeholder and public representation as a support to the independent reviewer and department.
- Establish clear procedures for conduct and delivery of a legislative review for communication with review participants.
 - Develop transparent objectives and expectations for the review in advance of the review process.
 - Define clear requirements in legislation or regulation for municipalities to provide support to legislative review teams on a reasonable request basis.
 - Establish procedures for notice and communication.
 - Establish formal contacts for public questions about the review process, outcomes, and timeframes.

Bulletin #2024-18

MUNICIPAL AND NORTHERN RELATIONS

Important Notice to All Elected Officials and Chief Administrative Officers

Statutory Review of Planning Legislation June 2024 Update

Manitoba is required by law to undertake a comprehensive review of recent amendments made to The Planning Act and The City of Winnipeg Charter (former Bill 37 and Bill 34), that includes public representations, by October 29, 2024.

Braid Solutions Inc. is conducting the independent assessment of the legislative amendments and facilitating stakeholder engagement. As part of the initial review phase and based on feedback from stakeholders to inform the design of the review, the department has accepted Braid's recommendations on the scope and framework of the consultation (Phase 2).

Please see the below update to Bulletin #2024-12.

Status update from Phase 1

Phase 1 of the Statutory Review of Planning Legislation has been completed by Braid Solutions Inc. Phase 1 was designed to accomplish two objectives:

- Engage stakeholders in shaping the scope and process of the review, and
- Assess the availability, quality and consistency of data that could be used to perform some quantitative assessment of the legislation.

This initial discovery phase was supported by a strong group of stakeholder voices representing the wide range of interests in the legislation from municipalities, planning districts, Winnipeg Metropolitan Region, The Municipal Board and the planning and development community.

Braid Solutions conducted over twenty sessions with stakeholders representing political leaders, local government and planning district administration, the Association of Manitoba Municipalities, Manitoba Municipal Administrators, Urban Development Institute, and several individuals with professional experience in the legal, planning and development professions. Meetings were structured to ensure representation and capture feedback from all parts of the province and from those with interests in various aspects of the legislation. Representative data was requested from the City of Winnipeg, The Municipal Board and four municipalities/planning districts.

The consultants and the department appreciate the support and feedback received from the participating organizations and individuals in Phase 1. The findings from Phase 1 have impacted the design of Phase 2 and the scope of questions for the review. Braid Solutions' technical report on Phase 1 is attached to this bulletin for your reference.

What comes next?

The consultants are finalizing engagement sessions with stakeholder organizations. Invitations for participants will be issued by the department. If you receive an invitation, a prompt response is kindly requested to ensure the review process can be undertaken in a timely manner. It is

appreciated that participants are flexible within the engagement timeframes that are taking place over the next few months.

On behalf of the consulting team, the department will issue the request for regulatory performance data to municipalities directly in July. Organizations will have a four-week period to provide the requested information. The consultants will provide a supportive document to accompany the request and will be available to answer questions.

Engagement sessions will be complimented with an opportunity for Manitobans to provide their input through the provincial EngageMB webpage in the coming weeks. The EngageMB project webpage will be available for a minimum 30 days.

The department will issue requests for formal submissions on behalf of the consultants and there will be further communication on this process.

How will we receive further updates?

The consultants will provide updates through the department at key milestones during the review process. These updates will be provided by email or through municipal bulletins.

If you have questions for the consulting team, please contact: Ian Shaw, (204) 470-4342, ian.shaw@braidsolutions.com

If you have any questions for the department, please contact: Katie Lee, (431) 275-5818, katie.lee@gov.mb.ca

French version to follow.

Department of Municipal and Northern Relations
609 – 800 Portage Avenue, Winnipeg MB R3G 0N4

Statutory Review of Provincial Planning Legislation Outcome from Initial Discovery Phase

June 2024



Introduction

Manitoba is required by law to undertake a comprehensive review of recent amendments made to The Planning Act and The City of Winnipeg Charter. Braid Solutions Inc. is conducting the independent review and facilitating stakeholder engagement.

This is an interim update from Braid Solutions Inc. at the completion of Phase I of the Statutory Review of Planning Legislation.

It includes a brief status update and provides an overview of the aggregated feedback from the requirements for change (RFC) interviews completed in this phase of the project.

The implications of Phase I on the balance of the review process are incorporated in this document together with an overview of what comes next in the review process.

Status of Phase I

Phase I of the Statutory Review of Planning Legislation has been completed by Braid Solutions Inc. Phase I was designed to accomplish two objectives:

- Engage stakeholders in shaping the scope and process of the review
- Assess the availability, quality and consistency of data that could be used to perform quantitative assessment of outcomes under the legislation

This initial discovery phase was supported by a strong group of stakeholder voices representing the wide range of interests in the legislation from municipalities, planning districts, Winnipeg Metropolitan Region, the Municipal Board and the planning and development community.

Braid Solutions conducted over twenty sessions with stakeholders representing political leaders, local government and planning district administration, the Association of Manitoba Municipalities, Manitoba Municipal Administrators, representatives of the Urban Development Institute, and several individuals with professional experience in the legal, planning and development professions. Meetings were structured to ensure representation and capture feedback from all parts of the province and from those with interests in various aspects of the legislation.

Representative data was requested from the City of Winnipeg, the Municipal Board and four municipalities/planning districts.

An aggregated summary of the feedback from the stakeholder meetings is attached to this report as information in **Appendix 1**.

Feedback from stakeholders contained in this Appendix has not been independently verified or confirmed by the review team at this stage of the review. Information is being provided in this update as a stakeholder engagement best practice to be transparent about feedback received in an engagement process.

Feedback in Phase I of the review has helped the review team understand a starting point for the review in terms of the scope and breadth of issues important to stakeholders. Braid Solutions synthesized the stakeholder feedback in a structured process to ensure that the aggregate feedback is representative. A minimum threshold of 25 per cent of participants was

used in this process. This means that points reflected in the aggregated summary were raised by 25 per cent or more of the participants in the RFC interview process.

What does this mean for the review process going forward?

The review team made recommendations to Municipal and Northern Relations (MNR) about the scope and approach for the review process based on the feedback from stakeholders. These were endorsed by MNR and incorporated in the design of the review process going forward.

The key elements of the review process resulting from this feedback are:

- The fundamental questions to focus for the review have been refined as follows:
 - Did the legislation and supporting regulations achieve their intended outcome?
 - Are the changes implemented to introduce a common service standard for development approvals and appeals working as intended?
 - Are the changes implemented to bring consistency to regional planning across the province working as intended?
 - Are the changes implemented for livestock operations working as intended?
 - Are the changes implemented for quarry and aggregate operations working as intended?
 - Does the Province of Manitoba meet its own service standards for reviews of development applications including processes to circulate and review applications through all government departments?
 - Is the function of The Municipal Board as the appeal body for development and planning decisions working as intended? (What is working well and what is not? What has been the actual performance of The Municipal Board against the service standards established in legislation? What improvements can be made to improve performance of the legislation in this area if at all? Is a fundamental redesign of the appeal function required or can improvements be made to the existing option?)
 - For each aspect of these questions, the review team will be looking to understand:
 - What is working well and what is not?
 - What has the actual performance under the legislation been?
 - What improvements can be made to improve performance under the legislation in this area or is a fundamental realignment required?
- Refined questions based on stakeholder feedback added to the review scope include:
 - Does the legislation strike the correct balance between the authority of locally elected governments to guide local development decisions based on unique requirements and the expectation to establish a common process and service standards across the province?
 - Does the legislation strike the correct balance between the authority of locally elected governments to guide local development decisions based on unique requirements and the expectation to establish a capability to undertake municipal planning at a regional level?
- The following recommendations requested by stakeholders have not been recommended for inclusion in the review process:
 - Complete, historical assessment of the process to establish the legislation. Instead, the review will adopt a going forward recommendation with the

scope to make recommendations for improvements or alternate approaches if required.

- Complete, economic impact of the legislation. Instead, the review will incorporate an assessment of costs and resource requirements to support required processes under the legislation for all stakeholders.
- In completing the final report, the review team will work to provide detailed findings with clear directional findings supported by lesson learned in other jurisdictions where this adds value or clarity.
- An expanded consultation program with increased number of targeted discussions with stakeholders across the province has been supported. The review team will work with key stakeholder groups (including but not limited to the Association of Manitoba Municipalities, Manitoba Municipal Administrators, Urban Development Institute, Manitoba Home Builders' Association, Keystone Agricultural Producers, Manitoba Heavy Construction Association, etc.) to identify individual participants for these sessions. These sessions will be designed to ensure there is a broad representation of interests including:
 - Fast growing vs slower growing areas of the province;
 - Municipalities in the Winnipeg Metropolitan Region;
 - Organizations with strong internal capacity as well as those with more limited internal capacity;
 - Stakeholders with experience initiating or responding to appeals through The Municipal Board;
 - Ensuring geographic coverage across the province from the City of Winnipeg through to rural and northern municipalities; and,
 - Incorporating structured discussions with development organizations initiated by Indigenous communities that have a direct interest in the legislation.
- Virtual consultation will be supported to provide an opportunity for stakeholders to provide feedback. This process will provide a structured process for stakeholders to provide input by based on their perspective as a/an:
 - Member of the public;
 - Individual with experience with the legislation through an application or appeal process;
 - Municipal administrator or council member; and,
 - Developer or proponent of a project.
- The consultation process will provide an opportunity for formal submissions targeted to key stakeholder groups. These submissions will be structured so that the feedback will support areas of inquiry required by the review team.
- The process will include an expanded scope to evaluate the legislation and regulations together with any recommendations developed by the review team from a legal perspective. The scope of the legal review will be extended beyond the changes introduced by Bill 37, Bill 34 and Bill 19 are required to address inter-related/consequential parts of:
 - The Planning Act;
 - The City of Winnipeg Act and Charter;
 - The Municipal Board Act with and emphasis on its role and function in planning and development decision making processes; and,
 - Un-proclaimed sections of the effective legislation.

- The review team recommended that the expanded consultation program be initiated before the analysis of regulatory performance data is completed. This will provide stakeholders with more time to provide the data that will be requested and allow the team to move ahead with the expanded consultation process.
- The regulatory performance data analysis process will be structured to provide a guided process for providing the requested data. The time period to provide the data will be extended to 4 weeks. A different request will be made for The City of Winnipeg, The Municipal Board, Manitoba Municipal and Northern Relations and all municipalities based the specific changes implemented under the legislation. This process will include an opportunity for stakeholders to provide information on costs and resource requirements where applicable.
- The review team will not establish a separate advisory group to support the review process but will instead rely on existing structures as required. Many stakeholder organizations offered support throughout the initial phase and the review team will reach out to these entities as required.
- Some stakeholders requested access to the draft final report and recommendations prior to its submission to government. This is not a supportable request for a Statutory Review. The review team will take steps to be transparent about key findings and recommendation concepts through its process to conduct the review.
- Some stakeholders asked whether the review is being conducted with the aim to make rapid changes to the legislation or supporting regulations. The review team is being asked to prioritize recommendations for impact including identifying opportunities for quick wins and priority action whether legislative or not. Government will consider these recommendations once the final report has been received and carry out appropriate actions.

How will we receive further updates?

- The review team will provide updates through the department at key milestones during the review process.
- If you have questions for the review team, they can be sent to Ian Shaw, (204) 470-4342, ian.shaw@braidsolutions.com

Appendix 1 – Requirements for Change Interview Guide with Aggregated Feedback from Phase I Participants

Feedback from stakeholders contained in this Appendix has not been independently verified or confirmed by the review team at this stage of the review.

The aggregate feedback from participants is structured to align with the interview guide used by the review team during Phase I. Aggregated stakeholder feedback is highlighted in *blue italics*.

This information is being provided in this appendix as a stakeholder engagement best practice to be transparent about feedback received in an engagement process.

It has helped the review team understand a starting point for the review in terms of the scope and breadth of issues important to stakeholders.

Stakeholder feedback was synthesized in a structured process to ensure that the aggregate feedback is representative. A minimum threshold of 25 per cent of participants was used in this

process. This means that points reflected in the aggregated summary were raised by 25 per cent or more of the participants in the RFC process.

RFC INTERVIEW GUIDE

Introductions

Provide an overview of the project to the stakeholder

- Legislated review that needs to be undertaken by October 29, 2024 and tabled by government in the legislature by October 29, 2025
- Three phases:
 - Project initiation/scoping phase
 - Discovery/data gathering and analysis phase
 - Realization/report preparation and recommendation to government
- Review team is independent from MNR but working with a project team for coordination and scheduling
- Review will consist of stakeholder engagement/consultation and analysis of regulatory performance data for key metrics associated with the legislative changes

Provide an overview of this phase of the project

- Discussion with key stakeholders to inform the process and approach for the formal consultation
- You have been selected because you are part of a key stakeholder organization or because you are a specialist/expert with unique perspective on the landscape for the legislative review
- This will not be your only opportunity to provide formal feedback on the legislation as part of the review
- It is your opportunity to help the review team ensure that it has a solid plan to address key stakeholders and the public
- Critical in this respect we are hoping that you can help us make sure that there are not key stakeholders missing and also to ensure that the planned consultation method will be most effective
- It is also your opportunity to help the review team be prepared for any critical issues that might arise during the review process
- **This is a confidential interview**
- **All feedback and findings will be aggregated by the review team with our final recommendation on consultation and analysis approach**

A. Background on Review

1. What are your expectations for the review process?

Some common expectations that emerged from stakeholders for the review process are:

- *There are concerns that this review is merely an exercise without real intent for*

change from the province. Stakeholders want reassurance their feedback will be genuinely considered.

- The review should provide a thorough, data-driven analysis of the impacts and effectiveness of the recent legislative changes, including both quantitative data and qualitative insights from stakeholders. There is an expectation that the review will develop an understanding of whether or not the legislation achieved its intended goals around efficiency, timeliness, and certainty.*
- The review process itself needs to be transparent, collaborative, and inclusive of diverse perspectives from municipalities, developers, citizens, and other stakeholders. Many respondents want meaningful opportunities for input to ensure their concerns are heard and addressed. Many stakeholders expressed frustration with previous rushed processes that lacked consultation.*
- Independence and neutrality of the review team was emphasized by all stakeholders to ensure it the process is not being driven only by the department's/provincial government's agenda.*
- The final recommendations should provide clear, actionable suggestions on potential improvements to the legislation and planning processes. There is an expectation that the review will identify issues and propose solutions.*
- The review should clarify the appropriate roles and powers of municipalities vs. the province when it comes to planning processes. Striking the right balance of local autonomy vs. provincial oversight is seen as important.*
- The review needs to consider economic development priorities, timelines and impacts, especially on major projects. Some feel this was missing from the initial legislation development process.*
- Some stakeholders expressed the perspective that the main focus of the review should be to "reset" the legislation including but not limited to changes like walking back powers given to The Municipal Board and reshaping the way regional planning districts can be established.*
- The final report should provide a thorough explanation of the policy choices and changes made in the legislation. Respondents want to better understand the original rationale behind the legislation.*

2. Do you have any specific recommendations for the deliverables that the review team will develop at the end of the review for stakeholders and government?

Here are some common recommendations for the review team's deliverables that emerged from stakeholders:

- The final report should provide clear, specific recommendations on areas of the legislation and planning processes that need improvement, based on the empirical data gathered and stakeholder feedback.*
- Provide clear, actionable recommendations for improving the legislation and planning processes. Many stakeholders expressed frustration with the current system and are looking for tangible changes.*
- Stakeholders noted that the recommendations should address specific pain*

points they are experiencing such as appeal processes, Municipal Board powers, public consultation, etc.

- Participants were split on whether the review should propose detailed legislation improvements but a majority of stakeholders felt that the recommendations should include detailed recommendations/legislative proposals.*
- The recommendations must directly address the key problem areas driving the legislation changes, particularly planning processes and formation of the Winnipeg Metropolitan Region.*
- The report should recommend improvements without being overly prescriptive, allowing flexibility in how the recommendations could be implemented.*
- There reviewers should explain the rationale behind recommendations including evidence behind them. This builds confidence that the review process was robust.*
- The methodology and stakeholder engagement process should be thoroughly explained to provide credibility and show how the recommendations were developed.*
- The recommendations should be structured similar to past reports tabled in the legislature for familiarity.*
- An advisory group with representation from key stakeholders should be considered for the process and could provide a review of the recommendations before public release.*
- Progress updates and prepared questions should be provided at milestones to keep stakeholders informed and validate the direction*

3. What is the one thing most important to get right if this review is to be accepted by stakeholders?

Some common stakeholder perspectives on the most important thing to get right for stakeholder acceptance of the review include:

- Clearly communicating the purpose, scope, timelines and deliverables of the review*
- Ensuring the review process is seen as fair, representative, and inclusive of diverse perspectives*
- Providing transparency around the review process, data collection, analysis, and reporting of findings to rebuild trust*
- Stakeholders need sufficient notice and information to meaningfully contribute feedback*
- Demonstrating that the review has been conducted independently and objectively*
- Ensuring thorough consultation and engagement with all key stakeholders, including municipalities, planning districts, developers, professional organizations, Indigenous groups and the public.*
- Demonstrating that the review has addressed stakeholders' frustrations with previous processes. Many felt the initial legislative change process did provide sufficient opportunities for input and did not incorporate feedback that was provided.*
- Stakeholders indicated that the final report should provide clear, evidence-based recommendations when addressing concerns especially when addressing perceived problem areas created by the legislation in Winnipeg and the*

Winnipeg Metropolitan region.

- *Backing up analysis and recommendations with comprehensive data collection from all stakeholders*
- *Producing clear, actionable recommendations that address stakeholders' concerns and suggestions*
- *Providing opportunities for stakeholders to review and give feedback on the draft report including but not limited to providing an embargoed copy of the report for comment prior to its release.*
- *Structuring the report and recommendations similar to past legislative reports for familiarity.*
- *Consider using an advisory group to review recommendations before release.*
- *Ensuring the expedited timeframe does not undermine meaningful consultation and analysis, which is viewed as crucial for acceptance.*

4. What is the one thing most important to get right for this review to be helpful for stakeholders and government with respect to moving forward?

The key themes that emerge around the most important thing to get right for the review to be helpful for stakeholders and government in moving forward are:

- *Stakeholders want their concerns to be genuinely heard and addressed. They need to feel the review process is transparent and collaborative, not just an empty exercise.*
- *Stakeholders want practical, implementable suggestions for improving legislation and processes, not just high-level critiques.*
- *To be accepted, the review must be seen as unbiased and evidence-based, without undue influence from government, municipalities or the development industry.*
- *The review should have a strong fact-based analysis grounded in data to support the review findings and recommendations.*
- *Stakeholders want to understand the reasoning behind suggestions to improve buy-in and acceptance.*
- *Understanding the impacts, intended and unintended, of the legislative changes on municipalities, developers, citizens and other stakeholders*
- *Recommendations should consider resource constraints and capabilities of all stakeholders when proposing changes.*
- *Recommendations should account for municipalities' staff capacity, time, budgets, and other practical limitations.*
- *Recommendations should clarify the appropriate roles and powers of municipalities vs. the province in planning processes.*
- *The review should assess whether the legislation achieved its intended goals around efficiency, timeliness, and certainty.*

B. Feedback on readiness and process

5. Provide an overview of the planned methodology including key idea that data helps frame conversation during the in-person and virtual consultations.
 - a. What part of the planned methodology is most important from your perspective?
 - b. Are there obvious or critical steps missing or that need further development? If further development, what are the key gaps that you see?
 - c. Do you have any feedback on planned timeframes or turnaround times?

Here is a summary of the aggregate perspective stakeholders on the planned methodology for the review, with a focus on gaps, missing elements, and turnaround times:

- *There is a consistent desire for thorough in-person consultation and engagement with key stakeholders like municipalities, planning districts, and developers. Virtual methods like surveys can supplement but not replace in-person sessions. The short timeframe poses challenges.*
- *Data availability, consistency, and quality are concerns due to the short timeframe. Support may be needed to help stakeholders gather and submit data. The review team should clearly communicate data requirements and expectations for their preparation.*
- *There were also questions raised around what specific metrics, costs, and data points would be requested from municipalities as part of the regulatory performance data. Some emphasized the importance of gathering both quantitative metrics as well as qualitative feedback on costs, resource implications, and unintended consequences.*
- *Progress updates, prepared questions, and transparency around the process are important, especially given the tight timeframe.*
- *An advisory group could help validate direction or provide support to the review team.*
- *The methodology seems logical but the expedited timeframe raises concerns about sufficient consultation, data analysis, and building stakeholder relationships. Extensions may be needed.*
- *Some key groups seem to be missing from the initial consultation, like individual citizens/landowners, indigenous communities, and municipal administrators. Their input is valued.*
- *Turnaround times for data submission should be at least 2 weeks. Tight timeframes risk lower quality input. The summer months pose availability challenges. Some stakeholders suggested turn around times at least 6 weeks especially for smaller municipalities.*

6. Are municipalities and planning districts prepared to provide meaningful feedback to the review team? The Municipal Board?
 - a. For which aspects of the review are municipalities, planning districts, and the Municipal Board in the best position to participate?
 - b. For which aspects of the review are they in the worst position to participate?

*Here is a summary of the aggregate perspective from stakeholders on whether **municipalities and planning districts** are prepared to provide meaningful feedback to the review team:*

- *There is general confidence that most municipalities and planning districts will be able to provide feedback, but their level of preparedness varies. Larger municipalities and those more impacted by the legislation changes are seen as more prepared and motivated.*
- *Smaller, rural municipalities may struggle more with data availability and staff capacity to gather and submit information within the tight timeframes. They will require clear direction on data needs and support to provide good responses.*
- *The quality and consistency of data submitted is a concern due to different tracking methods. Support may be needed to help standardize data.*
- *The summer timeframe poses availability challenges for administrative staff.*
- *AMM and MMA can provide strong support to their member organizations from a political and administrative perspective respectively.*
- *While data availability is a challenge, municipalities and districts can still provide valuable qualitative feedback based on experiences.*
- *Some planning districts may be less prepared as they have had limited direct experience with the legislation changes so far.*

In summary, while some larger municipalities may be better prepared, many smaller municipalities and districts may lack the resources and capacity to provide robust quantitative data. Supporting municipalities by providing clear data requests, allowing sufficient time, and working through associations could help improve the quality of feedback. The review team should be prepared to gather both quantitative data and qualitative perspectives from municipalities of varying capacity levels

*Here is a summary of perspectives from stakeholders on whether the **development community** is prepared to provide meaningful feedback to the review team:*

- *Larger, more sophisticated developers that were actively involved in pushing for the legislative changes are seen as more prepared and motivated to provide feedback.*
- *Smaller developers may struggle more with data availability and capacity issues in providing feedback within the tight timeframes. They will require clear direction on data needs without overly prescriptive templates.*
- *Developer associations like UDI are positioned to gather perspectives and provide formal submissions on behalf of members.*
- *The development community's feedback will be driven by how the legislation has impacted their specific projects and interests. Those negatively affected will be more motivated to provide feedback.*
- *The review team was cautioned that some developers may hesitate to provide open feedback if they perceive it could impact future dealings with municipalities.*
- *Overall, developers are viewed as well-prepared to provide feedback, but smaller players may need support and their perspectives should be directly sought out.*

In summary, the development community's preparedness to provide meaningful feedback varies, with larger and more impacted developers more motivated and equipped to respond. Developer associations and targeted outreach can help include smaller players. Some may hesitate to provide fully open feedback due to municipal relationships.

*Here are some key perspectives from stakeholders on whether The **Municipal Board** is prepared to provide meaningful feedback to the review team:*

- The Municipal Board's feedback will likely focus on their role in the subdivision and development appeal processes. Areas like appropriate timelines, procedures, and scope of power need clarification.*
- The Municipal Board's feedback can provide valuable perspective on the efficiency and effectiveness of the new two-tier planning appeal structure.*
- Engaging the Municipal Board may require targeted outreach and interviews to obtain candid perspectives from members.*
- The Municipal Board members are seen by the majority of participants as lacking experience and understanding of the recent legislative changes, since many new members were appointed after the legislation was passed. Their feedback may therefore not provide much insight.*
- There are concerns from the majority of participants that the Municipal Board may be biased towards protecting their new powers and expanded scope under the legislative changes. They may be reluctant to recommend dialing back any of the changes.*
- The Municipal Board's expanded powers are seen as undermining local council accountability for planning decision making.*

In summary, while The Municipal Board can provide helpful feedback on its own challenges under the legislation there is concern that there is concern that the Board as an organization does not fully understand the real impacts of the legislation at the local level. There are concerns that The Municipal Board will be biased to protecting its expanded powers and scope under the legislative changes. Targeted outreach/engagement with Board staff is required to obtain open and objective findings.

*Here are some key perspectives on whether the **Department of Municipal and Northern Relations (MNR)** is prepared to provide meaningful feedback to the review team:*

- Stakeholders noted that MNR officials are seen as deeply knowledgeable about the legislation and its implementation, so can provide valuable technical feedback on aspects like timelines, procedures, and coordination issues.*
- The majority of stakeholders expect that MNR is invested in some areas of the legislation including the Winnipeg Metro Region's formation and powers, the approach to establishing regional planning areas and some of the key aspects of decision making.*
- Some stakeholders noted their concerns that MNR may not provide fully open and*

candid feedback, and their recommendations may be driven more by internal views of the Department rather than independent views provided through the review process.

- *Some stakeholders stated their perspective that the review needs to be conducted independent from MNR to be accepted as credible.*
- *The majority of stakeholders expressed concerns that MNR may want to protect expanded powers created for the Department and Municipal Board established through the legislative changes in scope of the review.*
- *Some stakeholders recommended that the review team consider targeted outreach to individual MNR staff in order to obtain open and candid perspectives.*

In summary, while MNR can provide strong technical feedback, there are concerns that the review's final recommendations may be shaped by the department's perspective of the legislation and impacts instead of being developed through a truly independent process. Targeted outreach may be required to obtain fully open perspectives from officials.

7. Will there be strong data available to measure actual performance under the legislation from all stakeholders?

There does not seem to be a strong consensus that robust performance data will be available from all stakeholders to effectively measure outcomes under the legislation. The key perspectives from stakeholders included:

- *Municipalities, especially smaller rural ones, may struggle to provide consistent, high-quality data due to differences in tracking methods and limited resources/capacity for data collection. Support may be needed to help standardize their data.*
- *The short timeframe for implementation so far means there is limited experience with the new processes created under the legislation among stakeholders like municipalities and planning districts. Their data quality will be impacted.*
- *Larger developers are equipped to provide data, but smaller developers may struggle. Targeted outreach can help include their perspectives.*
- *Associations like AMM and UDI are seen as well-positioned to gather member data through surveys or other means. However, there are concerns about bias in the data they provide.*
- *The Municipal Board's lack of experience with the legislation changes raises doubts about the quality of any data they can provide. Their submissions may be limited.*
- *The short timeframe for implementation also limits the amount of meaningful data available. More time may be needed.*
- *Some additional data gathering by the review team directly seems advised, such as building permit analysis, to supplement stakeholder submissions.*

8. **WMR stakeholders only:** What is the best way to assess the progress WMR municipalities are making in aligning their development plan and zoning by-laws with the WMR Plan?

Here are some key perspectives on assessing the progress of WMR municipalities in aligning their development plans and zoning bylaws with the WMR Plan 2050:

- Comparing municipal plans to the WMR Plan 2050 may have limited value since the plan has not been approved and there is a three-year process following that point in time to complete this work.*
 - The quality of alignment is viewed as more important than simply updating documents.*
 - The review should analyze the zoning bylaws, development plans, and planning documents of municipalities to assess their level of alignment with Plan 2050 and the priorities of the member municipalities. This review could identify gaps and progress on a more technical/policy level.*
 - The review team may need to supplement data provided by establishing a structure with gates for all WMR municipalities to report against.*
 - The key issue at this point in time is work by municipalities to get their plans and by-laws updated generally.*
9. Do you have any recommendations for contacts and process to ensure that the perspectives of stakeholders from Northern Manitoba are included in the review?

Here are some common recommendations from participants for engaging stakeholders in Northern Manitoba as part of the review process:

- Conduct in-person consultations in Thompson, as it is the largest urban center in Northern Manitoba. Engage with the mayor, council, administrators, developers and citizens.*
- Reach out to Indigenous communities and leaders across Northern Manitoba to obtain their perspectives. This was noted as a gap by some participants.*
- Send prepared questions and information packages in advance to help Northern stakeholders provide meaningful input within the tight timeframes.*
- Leverage organizations like the Association of Manitoba Municipalities (AMM) to survey Northern members and gather data.*
- Provide online surveys or virtual consultation options in addition to in-person sessions to increase accessibility for remote Northern communities.*
- Allocate additional time and resources to engage meaningfully with Northern stakeholders given the logistical challenges. Avoid trying to fit them within timeframes designed for Southern Manitoba.*

10. Are there any supports required for stakeholders to successfully participate in the review?

Some common perspectives on supports required for stakeholders to successfully participate in the review include:

- Providing clear documentation, templates, and educational materials to help*

stakeholders, especially smaller municipalities and districts, gather and submit the required data and information. This can help address capacity issues.

- Allowing sufficient time for stakeholders to prepare and submit information, with suggested turnaround times of at least 2 weeks. The tight timeframes pose availability challenges, especially over the summer which also coincides with the busy period for planning and development activity.*
- Providing questions and information packages in advance to help stakeholders, especially those in Northern and rural areas, provide meaningful input within the expedited timeframes.*
- Offering online surveys or virtual consultation options in addition to in-person sessions to increase accessibility and reach for remote stakeholders.*
- Leveraging organizations like Association of Manitoba Municipalities to survey members and gather data on behalf of municipalities and districts. However, potential bias is a concern.*
- Providing regular progress updates and prepared questions at milestones to keep stakeholders informed and validate direction.*
- In-person consultation and engagement are preferred by many stakeholders to build relationships and have productive discussions*

11. If formal submissions are included in the final process, who would you target for that approach?

Some key groups that were suggested for formal submissions as part of the review process include:

- Associations representing municipalities, such as the Association of Manitoba Municipalities (AMM), to gather feedback from their member municipalities through surveys or other means. However, potential bias in the data provided is a concern.*
- Planning districts like the Red River Planning District, to provide insights on implementation experiences so far, which have been limited.*
- Developer organizations like the Urban Development Institute (UDI) and Manitoba Homebuilders' Association, to consolidate feedback from their member developers. Larger developers seem more prepared to provide meaningful input.*
- Professional planning organizations like the Manitoba Professional Planners Institute, to provide expertise on planning processes.*
- Legal organizations like the Manitoba Bar Association, to review legislative recommendations.*
- Key municipalities like the City of Winnipeg and rural municipalities impacted by the legislation changes, to provide direct feedback.*

12. Is there a role for an advisory oversight group like MNR's Planning and Development Working Group to participate in the review? If so, what is the best composition of that type of group?

- a. Team information only P&D Working Group Composition:
 - i. Association of Manitoba Municipalities
 - ii. City of Winnipeg
 - iii. Urban Development Institute
 - iv. Manitoba Professional Planners Institute
 - v. Winnipeg Metropolitan Region/Capital Planning Region
 - vi. Deepak Joshi, CAO of the Rural Municipality of St. Clements
 - vii. Alan Borger, President of LADCO Company Ltd

There are some common perspectives on the potential role and composition of an advisory oversight group like the Planning and Development Working Group to participate in the review:

- *An existing advisory group could provide valuable oversight and help validate the direction of the review, given the tight timeframes involved*
- *The group should include representation from key stakeholders like AMM, City of Winnipeg, UDI, and professional planning organizations to reflect diverse perspectives.*
- *However, some stakeholders expressed strong concerns about potential bias from an advisory group dominated by associations with vested interests in the outcomes and difficulties the review team will have achieved meaningful consensus across the various groups.*
- *Regular updates and prepared questions for the advisory group at milestones could help validate direction.*
- *The advisory group should have limited authority, acting mainly as a sounding board to provide diverse feedback rather than directing the process or outcomes.*
- *If introduced into the review process, an advisory group should have no decision-making authority over the review process or recommendations.*

13. Communication

- a. How frequently should stakeholders get updates on the review process?
- b. What is the most useful mechanism for those updates to be communicated?

There are a few common perspectives on how frequently stakeholders should receive updates on the review process and the most useful mechanisms for communicating those updates:

- *Stakeholders should receive updates at key milestones in the review process, such as after data gathering, after analysis, and before final recommendations.*
- *Updates should be communicated through representative groups and associations like AMM, UDI, City of Winnipeg, and professional planning institutes to reach a broad audience efficiently.*
- *Direct communication through the province to all municipalities is also advised to ensure consistent messaging.*
- *An advisory working group could help communicate updates to their respective stakeholders.*

- *Prepared updates with specific questions at milestones help validate direction.*

C. Awareness of engagement and alignment of process

14. Share list of participants for this phase of the Review.
 - a. Should anyone else be included in this phase that have not been represented?

- *Indigenous – Treaty One, SCO, MMF, Pusiko (KTC)*
- *Representative eastern MB municipality*
- *Headingley, Macdonald, Niverville, Springfield*
- *Small/midsize developers*
- *Manitoba Building Officials Association*

Note: The review team has initiated contact with these groups or has ensured they will be represented in the formal consultation plan.

15. There is scope in the program plan for a combination of virtual and in person consultation.
 - b. What groups would benefit most from in person consultation?
 - c. What groups would benefit most from virtual consultation?

Here are some key perspectives on who may benefit most from in-person vs virtual consultation as part of the review process:

In-Person Consultation Beneficiaries:

- *Municipalities, especially larger urban centres and those more impacted by the legislation changes. Allows more in-depth discussion and relationship building.*
- *Planning districts, to provide more extensive insights on their limited experiences with the changes so far.*
- *Developers, particularly larger players who were actively advocating for the legislative changes.*
- *Key organizations like AMM and UDI which can consolidate feedback from their membership. Builds understanding of issues*
- *Indigenous communities*

Virtual Consultation Beneficiaries:

- *Smaller, rural municipalities with more limited resources/capacity.*
- *Citizens, landowners, and other stakeholders with only periodic experience working under the legislation.*
- *Remote northern communities where in-person sessions are more difficult.*
- *Provincial officials who may hesitate to provide fully candid perspectives in person. Allows anonymity.*

16. Share conceptual list of stakeholder groups for Phase 2 of the review.
- d. Are there key stakeholder groups that are missing from the overall consultation plan? Who should be added and why?
 - e. Are there stakeholder groups that should be revisited?

This question was often incorporated into other responses by stakeholders during the interview process. The aggregate response has been incorporated into other areas of this summary.

17. What is the best method for engaging with the following groups:

- f. Planning profession – MPPI
- g. Consulting professionals – MALA, MAA, Engineering
- h. Development community – UDI, other
- i. Municipalities – AMM, MMA, AMBM
- j. Other groups – Industry groups (Livestock, quarry operations, MBHCA)
- k. Department staff

This question was often incorporated into other responses by stakeholders during the interview process. The aggregate response has been incorporated into other areas of this summary.

18. How would you recommend that the review team plan for consultation with the public?

Here are some common recommendations for public consultation as part of the review process:

- *Conduct public information sessions in major urban centers to obtain direct feedback from citizens and landowners. This expands reach beyond municipal governments and developers.*
- *Provide online surveys or virtual consultation options to increase accessibility for individual citizens across the province. This captures perspectives from remote areas.*
- *Send prepared questions or information packages on the review in advance to help citizens provide informed input within the tight timeframes. This improves quality of feedback.*
- *Leverage municipalities to assist in advertising public sessions and distributing information to citizens through channels like social media or newsletters. This aids awareness.*
- *Allow sufficient time for public notice of sessions and for citizens to provide feedback.*
- *Avoid overlapping with summer vacation period.*
- *Provide an online portal for submitting comments in addition to in-person sessions. This expands reach and accessibility.*
- *Consider targeting outreach to citizen action groups or ratepayer associations to obtain an alternative perspective beyond governments and developers.*

19. Are there any aspects of the review that will require or be enhanced by technical legal analysis?

There are a few areas where technical legal analysis was suggested as being potentially valuable to enhance the review:

- *Most stakeholders believe technical legal analysis would provide valuable insights for the review process and help ensure the recommendations are sound, rational, and within the applicable legal framework.*
- *Analyzing the legislation itself to identify gaps, inconsistencies, or problematic language. This could help inform recommendations for improvements.*
- *Evaluating aspects related to The Municipal Board's role, such as appropriate timelines, procedures, and scope of power. Legal expertise could help determine if changes are needed.*
- *Providing advice around the appeal processes, rights, and procedures established under the legislation to identify problem areas.*
- *Stakeholders emphasized the importance of having a lawyer review the recommendations to ensure the language and approach used in the final report are legally sound, accurate, and enforceable.*
- *Stakeholders highlighted the need to understand why certain language or provisions were included in the original legislation.*
- *A few noted that legal analysis may be needed to address specific gaps or problems identified through the review process. They suggested engaging legal support if significant issues emerge with the legislation.*
- *A minority of stakeholders felt technical legal review was less critical for this process compared to other aspects like stakeholder engagement and planning expertise.*

D. Closing

20. What other issues does our project team need to be aware of related to achieving the outcome of a successful planning legislation review for Manitoba?

21. Are there any other risks to the review process that have not been anticipated through the course of today's discussion?

Some key perspectives on potential risks or issues that have not yet been anticipated for the review process include:

- *Real time pressure for the province to act on changes to the legislation required for municipalities to access the Housing Accelerator Fund and to move forward with key initiatives with real economic development impact being delayed by the legislation.*
- *Expectation that the project does not include timeframes from government to respond and initiate changes to the legislation.*
- *Day to day activities from the department related to the legislation during the*

period of the review will have a direct impact on the credibility of the review process and the review team needs to consider these impacts in the final plan.

- The tight timeframes for gathering data, conducting analysis, and completing the review may undermine the depth and quality of the work, posing a risk to stakeholder acceptance.*
- Smaller, rural municipalities may lack the resources and capacity to gather and submit quality data within the expedited timeframes, posing data consistency and availability risks.*
- Associations like AMM asked to gather member data may provide biased perspectives that skew input.*
- The limited experience of stakeholders like municipalities and planning districts with the new legislation processes poses risks of low-quality feedback.*
- Logistical challenges reaching Northern Manitoba stakeholders may limit consideration of their perspectives if sufficient time and resources are not allocated.*
- The Municipal Board's lack of experience with the impact of the legislation on the ground in communities raises concerns about the importance of their input to the process.*
- Potential bias among provincial officials poses risks of resistance to recommendations and transparency issues.*

22. Now that this interview has concluded, are there any other questions you anticipated that were not included at this stage?

- Generally, participants acknowledged the completeness of this process and appreciated the opportunity to have input even at this early stage.*
- One key question identified by some participants was “if this legislation is not the right approach, what should we try?”*
- Other participants suggested that it was too early to evaluate the full outcomes of these legislative changes. They stated that there is a risk of “throwing the baby out with the bathwater” and that it will take time to see what the impacts really have been. These stakeholders suggested the review also emphasize what is working as well as working to understand what is not.*

Appendix B – Statutory review methodology

This appendix provides an overview of the overall methodology for statutory review. It includes information to assist users of this report to understand the analysis process as well as any limitations or constraints identified by the review team.

The statutory review was organized into three phases:

- **Phase One** involved two basic activities:
 - Engaging stakeholders to shape the scope and process of the review; and,
 - Assessing the availability, quality and consistency of data that could be used to perform quantitative assessment of outcomes under the legislation.

This discovery phase was supported by a strong group of stakeholder voices representing a wide range of interests in the legislation from municipalities, planning districts, Winnipeg Metropolitan Region, the Municipal Board and the planning and development community.

Phase I outcomes directly shaped the approach and activities for the Phase II Statutory Review Process.

Manitoba Municipal and Northern Relations posted the Phase I Report through Manitoba Municipalities Online Bulletin #2024-18 on June 27, 2024.

A copy of the Phase I report is included in **Appendix A**.

- **Phase Two** included 5 activities:
 - In-person stakeholder consultation
 - Regulatory performance data analysis
 - Public engagement through EngageMB
 - Formal requests for submissions from municipal and development stakeholder
 - Review of background materials and participant submissions

The specific methodology and analysis approach for each of these activities is described later in this appendix.

In aggregate, Phase II consultations reached over 95 stakeholder organizations in addition to participation from Manitoba Municipal and Northern Relations. Over 45 formal consultation sessions were conducted during Phase II. A number of individual meetings were conducted to follow up on issues identified in the formal sessions or at the request of session participants. Feedback on the legislation was received by 89 members of the public through a survey posted on the EngageMB platform.

The review team's mandate was to integrate these qualitative findings with quantitative analysis wherever possible.

As part of this activity, the review team considered independent research into several topic areas including but not limited to planning appeal bodies, structures, processes and authorities in other jurisdictions as well as regional planning organization formation and structure.

This aspect of the review relied on published information, reports and web research for this purpose including materials provided by MNR for some part of this activity.

The review team also evaluated background information and other materials provided by review participants. A partial listing of this material is included in **Section 1.1.5** of this appendix.

Results from each of these activities have been integrated into a comprehensive "What We Heard" report that was published by Manitoba to all stakeholders and the public.

- **Phase Three** incorporated a structured analysis process to assess all findings with the intention of developing recommendations to guide future policy and legislation development. The recommendations identify opportunities for operational improvements within the existing legislative framework wherever possible. These recommendations are directional in nature and the review scope did not include detailed validation of testing with stakeholders of the development of detailed implementation proposals.

Throughout the course of the review, the review team operated independently from Manitoba Municipal and Northern Relations but was supported by a project lead and steering committee responsible to assist with coordination of all review activities.

1.1. Phase II stakeholder consultation

The review team developed an interview plan based on stakeholder input from Phase I. This plan identified expanded requirements for in-person consultation.

The consultation plan was developed to ensure that the final participant selection was representative of all perspectives and functional roles wherever possible. The review team also took steps to ensure that the consultation plan provided appropriate geographic representation across the province.

The review team worked with the following organizations to establish a final list of participants for the in-person sessions:

- Association of Manitoba Municipalities
- Keystone Agricultural Producers
- Law Society of Manitoba
- Manitoba Bar Association
- Manitoba Beef Producers
- Manitoba Heavy Construction Association
- Manitoba Home Builders Association
- Manitoba Municipal Administrators Association
- Manitoba Pork Council
- Urban Development Institute

These organizations were provided with basic requirements for each session and identified potential candidates based on those requirements.

Manitoba issued formal requests to identified candidates on behalf of the review team.

The final interview program involved participation of over 95 organizations in 45 separate sessions.

A number of participants provided written follow up to the in-person sessions or requested a follow up meeting with the review team to complete identified follow up actions.

In addition, many participants provided foundational documents or reference material with applicability to the review. A partial listing these materials is included in **Section 1.6** of this appendix.

To prepare for the formal consultation sessions, separate background orientation and information gathering sessions were conducted with the following organizations and/or groups during Phase II:

- City of Winnipeg (Planning & Property Development, Clerk's Office, Legal)
- Manitoba Municipal & Northern Relations Community Planning & Development

- The Manitoba Municipal Board
- Office of Manitoba Ombudsman
- Winnipeg Metropolitan Region

These sessions enabled the review team to gain an understanding of existing procedures and processes enabled or impacted by the legislation. Some of the information shared in these meetings was provided on a confidential basis but the review team has incorporated insights from these meetings into the review findings where appropriate.

In addition to the formal consultation program, 9 organizations and individuals requested confidential meetings with the review team to discuss specific parts of the legislation or issues tied to its implementation. This included 3 members of the public. This confidentiality request has been maintained by the review team, however, information shared in these meetings has not been included in the analysis if it could not be correlated with other review feedback or validated independently through additional research or documentation.

All Phase II interviews were completed between July 11 and October 17, 2024.

1.1.1. Participants

The representatives from the following organizations participated in the in-person consultation for this review:

- Manitoba Municipal and Northern Relations
- Representatives of Review Departments/Agencies involved in planning & development circulation
 - Drainage and Water Rights Licensing Branch (ECC)
 - Environmental Compliance and Enforcement Branch (ECC)
 - Highway Design Branch (MTI)
 - Historic Resources Branch (SCHT)
 - Manitoba Hydro
 - Mining, Oil and Gas Branch (EDITNR)
 - Rogers Communications
 - Sustainable Agricultural Branch (AGR)
 - Water Management, Planning and Standards (MTI)
 - Wildlife Branch (EDITNR)
 - Bell MTS
 - Canada Post
- The Manitoba Municipal Board
- Winnipeg Metropolitan Region
- Municipalities
 - Organizations
 - Association of Manitoba Municipalities
 - Manitoba Association of Bilingual Municipalities
 - Manitoba Municipal Administrators Association
 - Altona
 - Beausejour
 - Brandon
 - Brokenhead
 - Cartier
 - City of Dauphin
 - Hamiota
 - Hanover
 - Headingley

- Killarney
- Macdonald
- Minnedosa
- Morden
- Neepawa
- Niverville
- Oakview
- Portage La Prairie
- RM of Dauphin
- Rockwood
- Rosser
- Russell Binscarth
- Selkirk
- Springfield
- St Clements
- St Pierre Jolys
- Stanley
- Ste. Anne
- Steinbach
- Stonewall
- City of Thompson
- West St Paul
- Winkler
- Winnipeg
 - Multiple meetings with several departments/stakeholders
- Planning Districts
 - Brokenhead
 - Carmen Dufferin Grey
 - Delwin
 - Eastern Interlake
 - Morden Stanley Thompson Winkler
 - Neepawa Area
 - Portage
 - Red River
 - Ritchot
 - South Interlake
 - Southwest Planning & Development
 - Tri Roads
 - Two Borders
- Developers
 - Organizations
 - Manitoba Home Builders Association
 - Urban Development Institute
 - Brokenhead Ojibway First Nation
 - Canada Lands Company
 - Ladco
 - Longboat
 - McGowan Russell Group
 - Paragon Design Build
 - Paragon Living
 - Peguis First Nation Real Estate Trust
 - Qualico
 - Terracon
 - VBJ Developments

- Ventura
- Livestock production
 - Manitoba Pork Council
 - Manitoba Beef Producers
 - Keystone Agricultural Producers
- Quarry and aggregate operators
 - Organizations
 - Manitoba Heavy Construction Association
 - Winnipeg Construction Association
 - Glacial Aggregates
 - Heidelberg Materials
 - Maple Leaf Construction
 - The Munro Group
- Legal profession
 - Darcy Deacon
 - Grantham Law
 - McCandless Tramley
 - MLT Aikins
 - Pitblado
 - Thompson Dorfman Sweatman
 - Tyler Law Corporation

1.1.2. Structured interview

All Phase II sessions were conducted on a confidential basis. Participants were assured that no proprietary information or opinions would be included in the final report except on a consolidated basis.

Each session was planned for two to three hours in duration.

Participants were encouraged to discuss issues of relevance to them and their organization. Accordingly, each in-person session was allowed to follow its own course provided that each of the various subject areas was covered.

A copy of the interview guideline is included in **Appendix D**.

Wherever possible, all review sessions were conducted in-person at the participating organization or at a convenient off-site location. Several online interviews were also completed using virtual meeting technology for sessions where travel logistics prevented an in-person session to be held.

1.1.3. Summary response definitions

The review team has grouped findings that can be attributed more directly to a segment of project participants where applicable.

In this context, the following segment definitions are applied consistently throughout this report:

- Participant(s) – an individual or group of participants in any phase of the statutory review project.
- “Specific group” participants – a segment of the participants with a common role or perspective as in “municipal participants” or “government participants”.
- Stakeholders – all individuals or organizations with a direct interest in the legislation subject to this review.
- Public – refers in the appropriate context to all citizens of Manitoba or specific comments attributed to a citizen impacted by the legislation as distinct from other stakeholders with

a more formal interest in the legislation subject to this review or responses from the public survey conducted on EngageMB.

- Department/The Department/MNR – findings or feedback or actions related to Manitoba Municipal and Northern Relations as the responsible department for the legislation subject to this review.
- Manitoba government/government – findings or feedback or actions specifically directed at the Manitoba government.

Quantifying the aggregate perspective of a specific stakeholder group is particularly challenging, especially when many sessions were conducted in a workshop setting with multiple participants.

To assist readers of the report understand how the review team summarized the feedback it has received, the following definitions have been adopted throughout the report:

- All participants – comments or feedback that would apply to essentially all participants without exception
- Majority – comments or feedback that would apply to a majority of participants, with a strong majority being 75% or more of participants
- Minority – comments or feedback that would apply to a minority of participants, with a strong minority being 30% or more of participants

Where the review team has included its own observations or perspective, this commentary or feedback is specifically attributed to the review team throughout the report.

Where appropriate to add context to findings, quotes from review participants are identified as shared with the review team as follows:

“This is an example of the formatting for a representative quote where confidentiality has been maintained by the review team.” – Source/participant role

1.2. Municipal regulatory performance data analysis

The survey was conducted to achieve the following objectives:

- To ensure that all municipalities had an opportunity in this review process by sharing their perspectives and localized experiences with the legislation through this survey; and,
- To capture quantitative and qualitative insights (e.g., lived experience) on how the legislation may or may not have impacted municipalities as a complement to in-person consultation process.

It consisted of two parts:

- A survey with focused questions on the legislation and its impact the planning and development decision making process; and,
- A data request for all development applications with decision making and approval timeframes set out by the legislation in scope of the review.

1.2.1. Preplanning and design

As part of Phase I of the review, the review team consulted with MNR to select five 'trial participants' to introduce and test the data collection as follows:

- City of Winnipeg
- The Manitoba Municipal Board
- South Interlake Planning District

- Southwest Planning District
- Town of Neepawa
- City of Steinbach

Participants provided their existing planning data in the structure that they maintain it to support normal operations.

Based on this activity, the review team developed a standardized data request in excel with input from MNR. The data request spreadsheet was accompanied with an online survey consisting of 31 questions intended to capture specific feedback from municipalities on the legislation and its impacts. A copy of the survey and data request is included in the complete data analysis report is in **Appendix E**.

Based on this analysis, there was an expectation that this approach would provide a meaningful basis for analyzing the impacts of the legislative timeframes and that it was a reasonable expectation that all municipalities to complete the request.

Municipalities were notified of the outcomes of this process as part of the Department's Bulletin at the end of Phase I on April 9, 2024.

1.2.2. Survey release and participation

The survey and data request form were shared with the Association of Manitoba Municipalities prior to its release for awareness. This enabled the review team to establish a mechanism to provide support for feedback captured by AMM during the survey period.

The survey and data capture spreadsheet were accompanied with a comprehensive participant guide. The review team also provided a direct email response capability.

The surveys were released to all municipalities on Thursday August 1st, 2024 with an initial completion timeframe established for August 28, 2024. Where municipalities were supported by a Planning District, the municipality could notify the Project Review Team that they have designated the Planning District to respond.

Based on feedback received directly from municipalities as well as feedback from AMM after the request was released, the review team undertook two actions to improve the ability of municipalities to complete the survey with confirmation by MNR:

- The response time frame was extended by three weeks to September 20, 2024; and,
- Municipalities were instructed to prioritize data for Zoning-By Law Amendments (e.g., Rezoning) and Subdivisions (Standard or Minor) from 2019 if they were not able to provide data for all application types.

Participants were still encouraged to provide the original data request and survey if they had the capacity to fulfill this request.

Between Thursday August 1st, 2024, and Friday September 20th, 2024, just under 100 stakeholder inquiries from municipalities, planning districts, and associations were received and processed by the Project Review Team.

Key inquiry topics included:

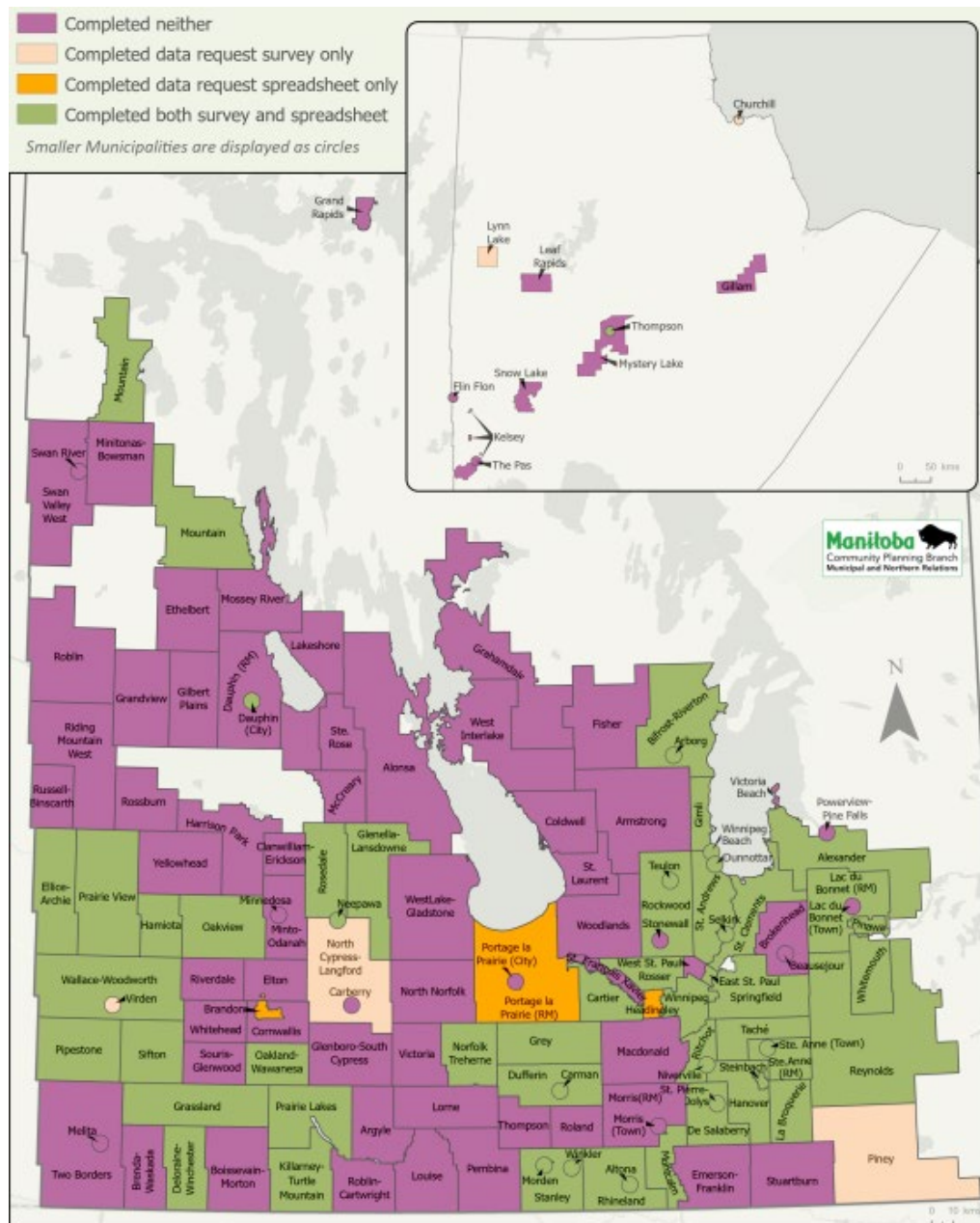
- Clarity on the request's scope and timelines;
- Clarity on participation in the request (e.g., whether it was mandatory or not); and,
- Individual requests for support completing the request.

Municipalities were supported by the review team by phone and virtual consultation sessions through approximately 15 scheduled and planned calls.

Including the City of Winnipeg, 63 municipalities (46% of all municipalities) completed the full request (e.g., fully completed the online survey and submitted a completed data request spreadsheet with usable planning and development records).

The following map provides an overview of data request response by municipality:

Figure 22: Bill 37 Review – Manitoba Municipality Data Request Responses

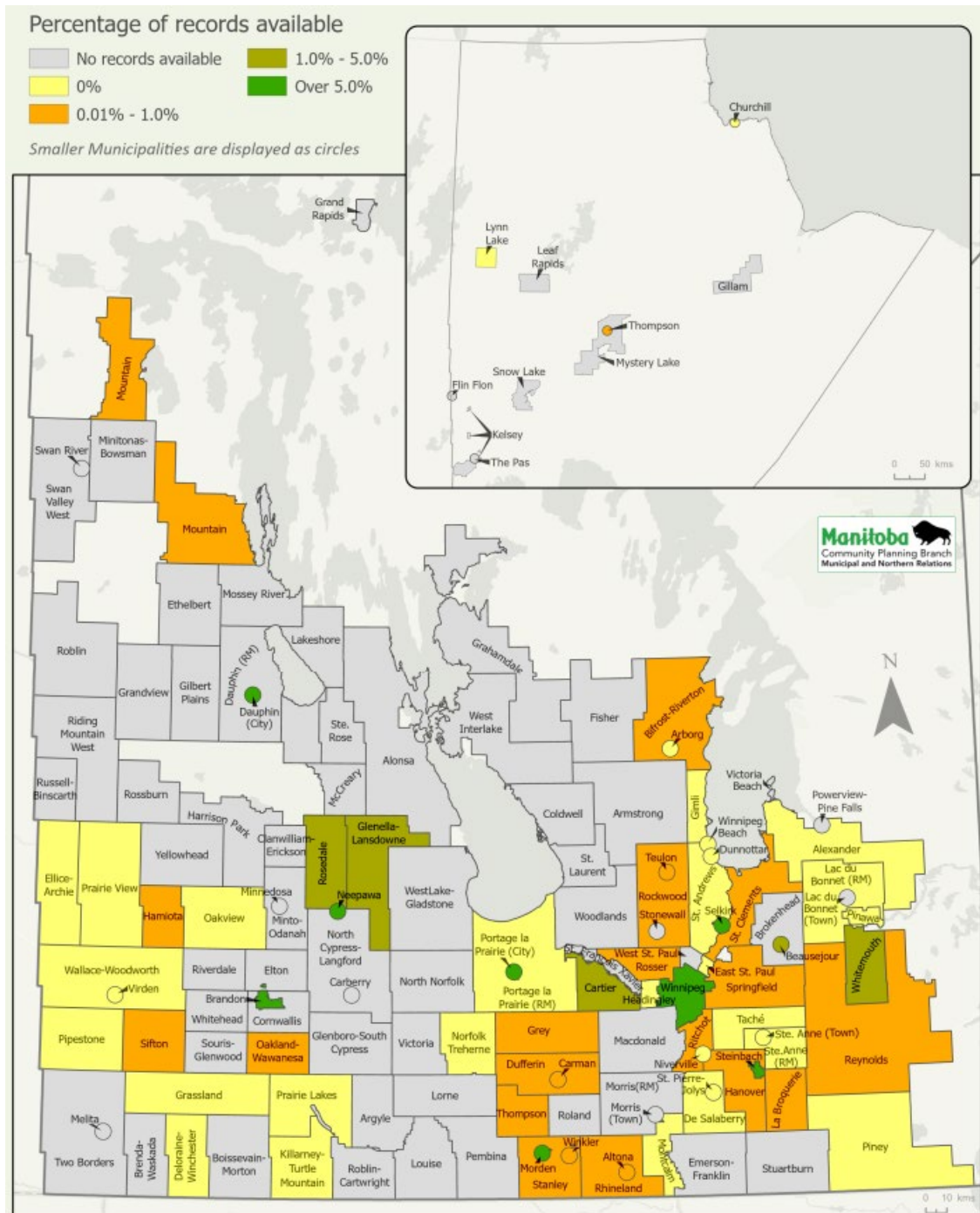


Source: Municipal data survey request. Mapping support from MNR.

The information provided has good alignment with areas of the province with a high level of planning and development activity that are outside of Winnipeg including Brandon, Dauphin, Morden, Neepawa, Portage la Prairie, Selkirk and Steinbach.

The following map visualizes the percentage of records received by municipalities that were incorporated into the final analysis performed by the review team.

Figure 23: Bill 37 Review – Quantity of Data Used by Municipality



Source: Municipal data survey request. Mapping support from MNR.

A total of 8,106 planning and development records were provided by municipalities. An additional 5,124 records were provided by MNR containing detailed timelines and critical dates for standard subdivisions and minor subdivisions. Subdivision and minor subdivision records provided by municipalities and Manitoba were cross examined and carefully analyzed to resolve any timeline discrepancies.

The following planning and development records processed by municipalities were evaluated:

- Development Agreement Amendments
- Subdivisions
- Minor Subdivisions
- Development Permits
- Zoning By-Law Amendments
- Secondary Plan Amendments
- Development Agreements

The following planning and development records processed by the City of Winnipeg were evaluated:

- Secondary Plan Amendment Decisions
- Zoning By-Law Amendment Decisions
- Subdivision Decision by Council
- Subdivision Decision by Designated Employee
- Development Agreement Executed Under Subsection 240.4 or Ordered by The Manitoba Municipal Board Under Section 282.1
- Development Agreement Amendment
- Development Permits

While there are gaps in the data, the review team believes this data provides a meaningful basis for understanding the impacts of the legislation under this review. The quality of records provided by municipalities was sufficient to perform a representative service standards evaluation. Data was most usable for subdivisions, minor subdivisions, rezonings, and development permit applications. The quality of records made available by the City of Winnipeg were very thorough and over 95% of the records given to the Project Review Team were analyzable.

The complete data analysis report is included in **Appendix E**.

1.3. The Municipal Board data analysis

The review team requested the Municipal Board to provide records of its activity for planning and development appeals and referral records from the date the legislation came into force.

Initial data was provided by the Municipal Board on April 19, 2024. It was supplemented by data maintained by MNR on the appeal process with the last update of this information provided on October 3, 2024.

Where possible, the review team cross referenced this information with data provided by municipalities including the City of Winnipeg to resolve discrepancies or gaps.

As part of Phase II, the review team attended a Municipal Board hearing convened to hear an objector referral.

Many participants provided the review team with copies of the Municipal Board decisions on several occasions. This information was included in the analysis process only for context.

Appellant or objector information was not included in this analysis and has been maintained as confidential information. The review team's scope does not include an evaluation of specific decisions or orders made by the Municipal Board.

The total number of planning and development appeal and referral records included in the review by type is set out below:

Table 1: Total Number of Planning Development and Appeal and Referral Records Included for Review

Type of Application	Quantity
Appeals Subject to The Planning Act	
Development Agreements	1
Secondary Plan Amendments	1
Zoning By-Laws	9
Subdivisions (Standard)	29
Conditional Use	5
Referrals Subject to The Planning Act	
Development Agreements	0
Secondary Plan Amendments	0
Zoning By-Laws	11
Subdivisions (Standard)	0
Conditional Use	0
Other (e.g., Minister Referral, Application Not Specified)	4
Appeals Subject to The City of Winnipeg Charter	
Development Agreements	0
Secondary Plan Amendments	0
Zoning By-Laws	1
Subdivisions (Standard)	4
Conditional Use	0
Other (e.g., Incomplete, Application Not Specified)	3
Referrals Subject to The City of Winnipeg Charter	
Development Agreements	0
Secondary Plan Amendments	0
Zoning By-Laws	2
Subdivisions (Standard)	0
Conditional Use	0
Total	70

Source: The Manitoba Municipal Board Data Request.

Initial data sets provided by the Municipal Board were incomplete and missing key fields necessary to perform a complete analysis.

The Manitoba Municipal Board was unable to provide their detailed internal referral and appeal application tracker. This resource would have enabled the review team to understand timeframes from receipt of an application or referral until the point at which the Board determined that these files were completed. The review team performed analysis of all scheduling metrics from the date the referral or appeal application was received by The Manitoba Municipal Board. This approach is consistent with the measures described the Province's Bill 37 Implementation Guide and the review team considers it an acceptable proxy for the purposes of this review.

Based on the steps to strengthen the data identified above, the review team believes that the final data set was sufficient to allow for a representative service standards evaluation.

The complete data analysis report is included in **Appendix E**.

1.4. Public input through EngageMB

Phase II included virtual public consultation with the public through the EngageMB portal.

From June 2024 to August 2024, the review team worked with MNR and the EngageMB team to design a comprehensive survey to understand the public perspective on the legislation.

In addition, two additional surveys were released using the EngageMB platform targeted at municipal/administrative officials and representatives of the development community (land development, quarry and aggregate operators, livestock operators). See **Section 1.5** of this appendix for more details on these targeted surveys.

The EngageMB public survey was released on Tuesday September 10th, 2024, and was available through to Thursday October 10th, 2024.

A total of 1160 survey visitors accessed the EngageMB website during this period.

A total of 89 responses were received for the public survey. EngageMB confirms that this is a comparable response for legislation with this level of complexity and focus based on similar virtual engagement processes.

This information has been integrated into the key themes by the review team.

1.5. Request for formal submissions

Near the end of the consultation process, the review team developed a summary of participant feedback organized by theme area.

This summary was forwarded to organizations that represent stakeholder organizations with a direct interest in the legislation. The list organizations that received a request for a formal submission was confirmed by MNR's project team as follows:

- Association of Manitoba Municipalities
- City of Winnipeg
- Keystone Agricultural Producers.
- Manitoba Heavy Construction Association
- Manitoba Home Builders Association
- Urban Development Institute
- Winnipeg Metropolitan Region

These organizations were asked to provide feedback on the themes and specifically to confirm if the draft themes captured feedback in a way that would be useful for the development of the final report. They were asked to order the themes by priority in a way that represented to their stakeholders as a group.

In addition to these tasks, the stakeholders were asked the following questions:

- Based on your organization's experience with the legislation to date, what approach do you feel is most appropriate for the provincial government to consider?
 - Refine current legislation with targeted improvements by focusing on strengths and areas for change identified during this review;
 - Restructure current legislation to better capitalize on strengths and areas for change identified during this review;
 - Define a new legislative framework that better reflects the core concepts informing the legislation;
 - Return to the previous legislative framework; or,
 - Another approach (please describe).
- What is your organization's perspective on the level of urgency for implementing improvements to the legislation?
 - The enabling legislation requires changes within a year, some tactical improvements or clarifications would be helpful to address implementation challenges;
 - The enabling legislation requires changes within 6 months, focused improvements in priority areas are required within 3 months; or,
 - The enabling legislation requires immediate change and improvement
- What are your organization's recommendations for tactical improvements that could be initiated while the government considers its approach to legislative change?

These organizations were also asked to provide any feedback they had on the legislative review consultation process including any feedback with a view to helping shape recommendations about future legislative review processes.

These organizations were provided with a three-week timeframe to provide their response to the review team ending on October 11, 2024. The review team was available to provide support to these organizations in developing their response on a request basis.

In addition to this process, two online questionnaires were developed to provide municipal stakeholder or developers with an additional opportunity to provide feedback to the review team using the EngageMB platform. This was undertaken as a way to ensure that stakeholders who did not participate in the in-person consultation had a direct way to provide input to the review team and/or to provide an alternate perspective based on their organization's priorities.

Participants in the municipal survey could complete the survey as an individual or make an official response on behalf of their municipality. They could also complete the survey as an elected official or administrative official. This survey was communicated to all municipalities in the province with support from the Association of Manitoba Municipalities.

Participants in the developer's survey could complete the survey as an individual or make an official response on behalf of their organization. The survey included specific questions for land developers as well as those advancing quarry and aggregate or livestock operations subject to the legislation in scope of this review. Developer participants could complete the survey as a developer or as a professional/service provider representing a development client. This survey was communicated to the development community with support from the Urban Development

Institute, Manitoba Home Builders Association, Keystone Agricultural Producers, Manitoba Pork Council, Manitoba Beef Producers.

All feedback from these surveys provided by individuals has been incorporated with the feedback from stakeholders in other parts of the review.

Copies of all formal submissions from these surveys together with the formal submissions requested by targeted organizations are included in **Appendix G**.

The review team has integrated the feedback from these formal submissions into the review where appropriate.

1.6. Review of background documents and participant submissions

All participants were invited to provide any information or documentation in any form they thought might be helpful to the review, or to provide more detailed information based on the content of their interview. The review team did not request the right to redistribute these documents in total or in part.

In most instances, participants requested that either the document itself, the contents of the document and/or the source of the document remain confidential to the review team. The team received well over 25 written submissions from participants.

The following background documents were identified by project participants or are key references included as part of the analysis by the review team:

- Canadian Council of Parliamentary Ombudsman. (2022). *Fairness by Design: An Administrative Fairness Assessment Guide*. Canadian Council of Parliamentary Ombudsman.
- Iveson, D. and Eidelman, G. (2023). *Toward the Metropolitan Mindset: A Playbook for Stronger Cities in Canada*. University of Toronto School of Cities.
- Manitoba Municipal and Northern Relations. (2024). *The Planning Act Handbook: A Guide to Land Use Planning in Manitoba Version 2.0*. The Province of Manitoba.
- Manitoba Municipal Relations. (2021). *Guide to the Planning Amendment and Winnipeg Charter Amendment Act (Bill 37): Appeals and Performance Standards*. Province of Manitoba
- Manitoba Ombudsman. (2013). *Manitoba Ombudsman Report, Case 2012-0213, Rural Municipality of Macdonald (December 4, 2013)*. Manitoba Ombudsman
- Manitoba Ombudsman. (2014). *Manitoba Ombudsman Report, Case 2011-0064, City of Winnipeg (Board of Adjustment) (August 19, 2014)*. Manitoba Ombudsman
- Murray, R. W. (2019). *For the Benefit of All: Regional Competitiveness and Collaboration in the Winnipeg Metro Region*. Dentons Canada LLP.
- Partnership of the Manitoba Capital Region. (2010). *Membership, Organization and Governance Structure of the Capital Region Partnership pursuant to Bill C-23 The Capital Region Partnership Act*. Partnership of the Manitoba Capital Region.
- Province of Manitoba. (2018). *Bill 19: The Planning Amendment Act – Improving Efficiency in Planning. A Guide to the Recent Changes in the Planning Act*. Province of Manitoba.
- Scarth, A., Chaput, A., Hicks, D. and Lindsay, B. (1999). *Capital Region Review: Final Report of the Capital Region Review Panel*. Province of Manitoba Intergovernmental Affairs.
- Treasury Board Secretariat. (2019). *Planning, Zoning and Permitting in Manitoba*. Province of Manitoba.

- Winnipeg Metropolitan Region. (2022). Evaluating the Foreign Direct Investment Readiness of Manitoba's Capital Region. Winnipeg Metropolitan Region.
- Winnipeg Metropolitan Region. (2023). The History of Plan20-50. Winnipeg Metropolitan Region.
- Winnipeg Metropolitan Region. (2024). Plan20-50 Adoption Process Summary. Winnipeg Metropolitan Region.
- Winnipeg Metropolitan Region. (2024). Planning Report: Review of Canadian Regions: Membership. Winnipeg Metropolitan Region.



MANITOBA

BILL 19

PROJET DE LOI 19

THE PLANNING ACT

LOI SUR L'AMÉNAGEMENT DU
TERRITOIRE

C.C.S.M. c. P80

c. P80 de la C.P.L.M.

BILL 19

PROJET DE LOI 19

THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN PLANNING)

LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU TERRITOIRE
(EFFICACITÉ ACCRUE)

Honourable Mr. Wharton

M. le ministre Wharton

Honourable Mr. Wharton

M. le ministre Wharton



MANITOBA

THE PLANNING ACT

LOI SUR L'AMÉNAGEMENT DU
TERRITOIRE

C.C.S.M. c. P80

c. P80 de la C.P.L.M.

B 19

BILL 19:

The Planning Amendment Act - Improving Efficiency in Planning

THE P
(IMPROV

MENT DU

M

BILL 19

PROJET DE LOI 19

THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN PLANNING)

LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU TERRITOIRE
(EFFICACITÉ ACCRUE)

Honourable Mr. Wharton

M. le ministre Wharton

Honourable Mr. Wharton

M. le ministre Wharton



MANITOBA

THE PLANNING ACT

LOI SUR L'AMÉNAGEMENT DU
TERRITOIRE

C.C.S.M. c. P80

c. P80 de la C.P.L.M.

B 19

Government Bill

Projet de loi 19

Projet de loi du gouvernem

3rd Session, 41st Legislature,
Manitoba,
67 Elizabeth II, 2018

3rd session, 41st législature,
Manitoba,
67 Elizabeth II, 2018



MANITOBA

THE PLANNING ACT

LOI SUR L'AMÉNAGEMENT DU
TERRITOIRE

C.C.S.M. c. P80

c. P80 de la C.P.L.M.

THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN PLANNING)

LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU TERRITOIRE
(EFFICACITÉ ACCRUE)

Honourable Mr. Wharton

M. le ministre Wharton



The guide is organized by The Planning Act section that has been amended.

Table of Contents

1	Purpose of Guide _____	Page 1
2	Development Plans _____	Page 1
3	Zoning By-laws _____	Page 2
4	Variances _____	Page 2
5	Conditional Uses _____ Livestock Operations	Page 3
6	Notices and Hearings _____ Aggregate Quarries	Page 4
7	Community and Regional Planning _____ Regional Offices	Page 5

Every effort has been made to ensure the accuracy of the information within this guide. In the event of a discrepancy between this guide and governing legislation or local bylaws, the legislation and bylaws will take precedence.

1. Purpose of Guide

Bill 19 - The Planning Amendment Act (Improving Efficiency in Planning) received Royal Assent on June 4, 2018. The Bill introduced a number of changes to The Planning Act intended on streamlining regulatory processes and reducing the administrative burden on municipalities and planning districts. A number of the changes were developed in consultation with key stakeholders.

The Department anticipates there being future opportunity for streamlining legislation and regulation and encourages stakeholders to forward any suggested changes to Community and Regional Planning.

This guide highlights the key changes to The Planning Act and the impact on municipalities. Changes are categorized by the following topic areas: general, red tape reductions, zoning, livestock and aggregate.

For additional information, contact your local Community and Regional Planning office. Contact information can be found on page 6.

2. Development Plans

Part 4: Clause 44(1)(b)

Why require a registered professional planner involved in development plan reviews?

This was done to reflect the recently adopted Registered Professional Planners Act by changing the requirement to have a “qualified land use planner” to having a “registered professional planner” consulted as part of a development plan review. This change is consistent with legislation in other western provinces and ensures that when planning authorities are engaging the services of a planner they can be assured that the planner is subject to a Code of Ethics and Professional Conduct, maintains professional accreditation and is subject to investigations and disciplinary proceedings should they fail to adhere to professional standards and qualifications.

Part 4: Subsections 53(a) and (b)

How does the bill modernize the sending of notices?

Any notice or other document that must be given to a person can be delivered, mailed or sent by e-mail or other electronic means of communication. However, to send by e-mail or electronic means the person must agree in writing to receive the notice by that method. Having these options reduces the time and cost to send notices or decisions.

3. Zoning By-laws

Part 5: Section 73 through 78

What is the new threshold for public objections to trigger an appeal hearing for zoning amendments to a zoning by-law change and why did the Bill introduce the threshold?

The new legislation requires objections from 25 people who are eligible to vote in the municipality on the day when the hearing is held to trigger an appeal to a new zoning by-law or a zoning by-law change that affects the municipality as a whole.

For a zoning change to a specific property, objections from 50% of the total number of property owners located within 100 metres of the affected property can also trigger an appeal.

The Bill introduced a threshold to ensure that there is significant local opposition to a zoning change to merit a third party appeal hearing. The change to 25 eligible voters is more consistent with the appeal threshold in The Municipal Act for proposed local improvements.

4. Variances

Part 6: Clause 102(1)(a)

Why has the threshold for defining a minor variance been increased from 10% to 15%?

The Act now allows a designated municipal employee to approve a minor zoning variance up to 15 %. This increase from 10% is to reduce the number of public hearings required for variances involving a 15% change to an existing condition.

Does a designated officer automatically have the ability to approve the minor variances up to 15%?

Each municipality, by by-law, can decide if it wants to delegate this authority to a designated employee.

5. Conditional Uses

Multiple Sections: Livestock Operations

Why has the government made changes to the planning for livestock?

Livestock developments is an important driver of Manitoba's economy. There is key provincial interest in ensuring the sustainable expansion of the livestock sector and in ensuring readily available access to aggregate in areas of growth.

The Planning Act currently requires that all municipalities identify livestock operations of 300 animal units or greater as conditional uses in their local planning by-laws whereas the Bill allows municipalities to set their own conditional use threshold. Why the change?

This provincial threshold was overly prescriptive. All municipalities have by-laws that regulate where livestock may and may not be permitted and they understand their local context best.

Why will municipalities have to review their established conditional use thresholds for livestock operations within a year of the passing of the Bill?

This will give councils an opportunity by June 3, 2019 to determine whether a higher threshold is appropriate to support the sustainable growth of the livestock industry.

Will a provincial livestock technical review still be required if a municipality chooses to set a conditional use threshold that is greater than 300 AU?

A livestock technical review will continue to be triggered by the requirement for a municipal conditional use approval for any livestock operation that is 300 AU or greater. For example, if a municipality sets the conditional use threshold at 500 AU, then a technical review is required for livestock operations that are 500 AU or greater. Regardless of where a municipality chooses to set their conditional use threshold, livestock operations 300 AU or greater are still required to meet all environmental safeguards and provincial regulatory requirements (i.e. filing an annual manure management plan; permits for manure storage facilities and/or confined livestock areas; water rights licensing where applicable etc.)

Why has the Bill allowed for replacement or alteration of farm buildings housing livestock without requiring a provincial technical review or conditional use hearing?

Many farm buildings in Manitoba are reaching the end of their natural life cycle and need to be upgraded or replaced to meet modern standards.

Why has the Bill also allowed operators who are altering or replacing their farm buildings housing livestock to increase Animal Units by up to 15%?

It was determined that producers that are renewing and modernizing livestock infrastructure should be provided opportunity for limited expansion of their operations. The new 15% expansion potential mirrors the new 15% threshold for minor variances.

Who qualifies for the exemption?

Existing livestock operations or former sites in compliance with their Conditional Use Order (and all other local and provincial requirements) would be exempted. Requiring operations to undergo a new provincial technical review and conditional use process would be redundant. Both occupied and unoccupied farm buildings qualify for the exemption.

Operations that have not obtained a Conditional Use Order are not eligible for the exemption.

Eligible operations or former sites may change the type of production (e.g. beef backgrounder to beef feeder cattle) within a category of livestock (e.g. beef).

Changes from one category of livestock to another (e.g. beef to sheep) are not eligible for the exemption.

What local and provincial requirements would still need to be met by someone who qualifies for the exemption?

Projects exempted from provincial technical reviews and local conditional use requirements are still obligated to obtain any necessary local and provincial approvals such as variances and development permits, building permits and licenses.

In what ways may an operator use the original farm building once the replacement has been built?

An existing farm building that is to be replaced by a new farm building may continue to be used while the replacement building is being constructed, but may not be used to house livestock once the replacement building is substantially complete.

Why did the Bill reduce the wait time from 30 days to 14 days before a Municipality could hold the conditional use hearing, after receiving the provincial technical review report?

The Government recognized that the provincial technical review report is accessible to all stakeholders on the Provincial Public Registry several weeks before the holding of the public hearing. The need to wait a full 30 days was deemed excessive and a change to 14 days was consistent with the process timing for all other conditional use matters.

6. Notices and Hearings

Part 11 - Section 169: Aggregate Quarries

Why was government concerned about whether new aggregate quarries are approved?

The Province fully funds or cost shares most major infrastructure projects in Manitoba and a significant factor in the cost of aggregate is the distance in which the material is hauled from its source. As such, it is of key importance in ensuring the availability of high quality aggregate in areas where population growth is resulting in increasing demand for new or expanded infrastructure.

Why will municipalities have to provide the minister with notice of aggregate applications 60 days prior to the hearing for the proposal?

A large gap in the existing process is the current lack of technical information available to councils when considering quarry proposals. This proposed 60-day notice period on aggregate proposals will build in opportunity for an interdepartmental technical review to help inform the local decision making process. This recommendation was put forward by a stakeholder aggregate advisory committee with municipal and industry representation.

[illegible]

 Lynn Lake

BEAUSEJOUR

BEAUSEJOUR

PORTAGE

MORDEN

STEINBACH

7. Community and Regional Planning (CRP) Offices

Beausejour

Box 50, L01-20 First Street
Beausejour MB R0E 0C0
Phone: 204-268-6058

Brandon

1B-2010 Currie Boulevard
Brandon MB R7B 4E7
Phone : 204-726-6267

Dauphin

27-2nd Avenue S.W.
Dauphin MB R7N 3E5
Phone: 204-622-2115

Morden

Box 50075
536 Stephen St, Unit A
Morden MB R6M 1T7
Phone: 204-822-2840

Portage

108 - 25 Tupper St. North
Portage la Prairie MB R1N 3K1
Phone: 204-239-3348

Selkirk (Interlake)

103-235 Eaton Avenue
Selkirk MB R1A 0W7
Phone: 204-785-5090

Steinbach

240-323 Main Street
Steinbach MB R5G 1Z2
Phone: 204-346-6240

Thompson

604-800 Portage Avenue
Winnipeg MB R3G 0N4
Phone: 204-945-4988

Manitoba Municipal Relations
Community and Regional Planning
manitoba.ca

November 2018

Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards

Part A - Introduction

The Planning Amendment and City of Winnipeg Charter Amendment Act – Bill 37 (The Act) received Third Reading and Royal Assent on May 20, 2021. On October 29, 2021 the appeals and performance standards sections were proclaimed.

This guide explains those proclaimed sections and is intended for primary stakeholders - municipalities and planning districts. It provides an overview and explanation of key changes to planning processes introduced by The Act. The guide will also be useful to the general public, the development community and others with an interest in land use planning and permitting.

The Act delivers on Manitoba's commitment to modernize planning and permitting processes and reduce red tape on development, while balancing the public interest. The legislation makes a number of changes to improve efficiency, transparency and accountability of planning and permitting, while also enhancing opportunities for economic growth in across the province.

Through improved collaboration and coordination of planning, permitting and development, The Act helps build a solid foundation for ongoing economic success and position Manitoba to encourage investment and compete on a global scale.

Additional details are provided in appendices to this document. For example, flowcharts showing the various planning processes and the changes, are attached in Appendix C. Additional information on The Act, including Fact Sheets and FAQs, are posted on the Department's website in the Quick Links section at <https://www.gov.mb.ca/mr/index.html>.

Note: In this *Guide*, the term '**planning authority**' means an appointed or elected body, or a person, enabled to receive and process applications, hold hearings and/or make decisions on planning and development matters, and includes: municipal councils, planning district boards, applicable council committees, planning commissions and designated employees or officers.

PART B - Appeals and Time Limits

Municipal Board

- 1. Municipal Board to hold hearing in 120 days** - Except as otherwise stated in The Planning Act or The City of Winnipeg Charter, the Municipal Board now must hold a hearing on planning appeals under Bill 37, within 120 days of receiving the notice.
- 2. Municipal Board to give decision/report in 60 days** - Except as elsewhere stated in The Planning Act or The City of Winnipeg Charter, the Municipal Board must issue its decision or report within 60 days of the

hearing.

- 3. Municipal Board may assign costs** - In the case of an appeal of a missed deadline, if the Municipal Board finds there was an unreasonable delay by a municipality or planning district, it may charge the hearing and applicant's costs to the municipality or planning district.

Appeals and time limits – See Appendices A and B for further detail

- 1. Rejections may be appealed** - If a planning authority refuses to accept, rejects, resolves not to proceed or fails to come to terms on a:
 - a. zoning by-law amendment
 - b. secondary plan amendment
 - c. subdivision application
 - d. permit application
 - e. development agreement

The applicant may appeal the decision to the Municipal Board.

- 2. Some conditions may also be appealed** – Conditions in addition to what are permitted in The Planning Act or an approved local by-law may be appealed to the Municipal Board.
- 3. Appeal of missed deadlines** - Besides appealing a rejection, an applicant can appeal a missed deadline to the Municipal Board.

Part C - General/Miscellaneous Changes

- 1. Hearings may be held before 1st reading of a planning by-law** - Planning authorities outside of Winnipeg will now be able to hold a public hearing on a development plan, zoning by-law or secondary plan by-law prior to first reading. Winnipeg has had this authority for a number of years.
- 2. Written reason for rejection** - A planning authority must now give a written reason for rejecting a development application.
- 3. Review Period Proclaimed** – The Planning Act and City of Winnipeg Charter now include a section that requires these legislative amendments be reviewed in three years.

Other Conditional Use, Variance and Permit changes

- 1. Conditional use and variance approvals may be extended by 1 more year** - Conditional uses and variances may be extended for up to an additional 12 months (for a total of 24 months beyond the 12 month original approval) making a conditional use order or variance approval potentially good for up to 3 years.
- 2. Winnipeg may require a development agreement for a conditional use or variance** - The City of Winnipeg may now require a development agreement as a condition of approving a conditional use or variance. This is consistent with The Planning Act.

APPENDICES

Appendix A – Service Standards (Timelines)

Appendix B – Appeals Provisions

Appendix C – Planning and Development Approval Process Flow Charts

Appendix D – Regulation Making Powers for Proclaimed Parts of Bill

Appendix A:

Service Standards (Timelines)

The recent amendments to The Planning Act and City of Winnipeg Charter introduce new timelines for planning processes in the City of Winnipeg and all other municipalities and planning districts. Failure to meet timelines can be appealed to Municipal Board. The following are key timelines established under the legislation.

The Planning Act – New Service Standards

Application Type	Service Standard(s)
Secondary Plan amendment decision	• 90 days from date application is made to hearing • 60 days from hearing to council decision or referral to Municipal Board
Zoning By-law amendment decision	• 90 days from date application is made to hearing • 60 days from hearing to council decision or referral to Municipal Board
Subdivision decision	• 90 days from date application is received by council to resolution • 60 days from date of council resolution to approving authority decision
Minor subdivision decision	• 60 days from date application is received by council to decision
Development agreement	• 90 days from date development agreement is required under section 150 to conclusion
Development agreement amendment	• 90 days from date completed application is received by city
Development permit	• 20 days to determine whether application is complete from date application submitted (unless extended by agreement between applicant and planning district/municipality) • 60 days to determine if the proposed development conforms with the applicable provisions of the development plan by-law, zoning by-law and any secondary plan by-law from the date the application is submitted (already exists in The Planning Act)
Municipal Board	• 120 days¹ from date appeal notice or sufficient objections notice is received to hearing • 60 days² from date hearing is concluded to order • 60 days to refer zoning by-law or secondary plan if sufficient objections received

Note: Only new appealable service standards are included.

¹ Except where otherwise stated in The Planning Act (eg. for subdivisions and conditional uses there is no timeline on when the Municipal Board must hold a hearing once an appeal notice has been received).

² Except where otherwise stated in The Planning Act (eg. for subdivisions and conditional uses Municipal Board must make order within 30 days after the hearing is concluded).

The City of Winnipeg Charter Act – New Service Standards

Application Type	Service Standard(s)
Development Plan amendment decision	<i>None</i>
Secondary Plan amendment decision	• 150 from date completed application is received by city to decision
Zoning by-law amendment decision	• 150 from date completed application is received by city to decision
Subdivision decision by council	• 150 days from date completed application is received by city to decision
Subdivision decision by designated employee	• 60 days from date completed application is received by city to decision
Development agreement executed under subsection 240(4) or ordered by The Municipal Board under section 282.1	• 90 days from date applicable zoning by-law, plan of subdivision, conditional use or variance is approved by the city or ordered by The Municipal Board
Development agreement amendment	• 90 days from date completed application is received by city
Development permit	• 20 days to determine whether application is complete from date application submitted (unless extended by an agreement in writing between the applicant and planning district or municipality) • <i>If a permit that is subject to section 246 is withheld for longer than 60 days, the owner of the land is entitled to compensation for damages resulting from the withholding of the permit—except as provided for in clauses 246(2)(b) and (c)— and subsections 245(2) and (3) (where permit cancelled) apply, with necessary changes, in respect of the withholding (already exists in The City of Winnipeg Charter Act).</i>
Municipal Board	• 120 days from date appeal notice is received to hearing • 60 days from date hearing is concluded to order

Note: Only new appealable service standards are included.

Appendix B: Appeal Provisions

The recent amendments to The Planning Act and City of Winnipeg Charter introduce new appeal provisions for planning processes in the City of Winnipeg and all other municipalities and planning districts. The following are appeal provisions established under the legislation.

The Planning Act – New Appeal Provisions for Service Standards, Decision or Condition

Action	Appealable by applicant	Timeline for applicant to file Notice of Appeal	Appeal hearing body
Missed service standard (general)	Yes	14 days from missed service standard	Municipal Board
Missed service standard (subdivision)	Yes	30 days from missed service standard	Municipal Board
Secondary Plan amendment decision by PD board, council or planning commission	Yes	14 days from notice of decision or date a development agreement is imposed	Municipal Board
Zoning By-law amendment decision by PD board, council or planning commission	Yes	14 days from notice of decision or date a development agreement is imposed	Municipal Board
Terms and conditions of development agreement that has been required as a condition of amending a zoning by-law, making a variance order or approving a conditional use	Yes	14 days from expiry of the time period for coming to an agreement (90 days)	Municipal Board
Development agreement amendment decision	Yes	14 days from notice of decision	Municipal Board
Development permit decision	Yes	14 days from notice of decision	Municipal Board

Note: "Decision" includes both rejection of an application and conditions of approval.

The City of Winnipeg Charter Act – Service Standards, Decision or Condition

Note: "Decision" includes both rejection of an application and conditions of approval.

Action	Appealable by applicant	Timeline for applicant to file Notice of Appeal	Appeal hearing body
Missed service standard	Yes	14 days from missed timeline	Municipal Board
Refusal by a designated employee of a development proposal ¹ for not conforming to a Plan Winnipeg by-law or a secondary plan by-law	Yes	14 days from date notice of refusal received	Municipal Board
Secondary Plan amendment decision	Yes	14 days from notice of decision	Municipal Board
Zoning by-law amendment decision	Yes	14 days from notice of decision	Municipal Board
Plan of subdivision decision by council	Yes	14 days from notice of decision	Municipal Board
Development agreement amendment	Yes	14 days from notice of decision	Municipal Board
Decision by a designated employee that a development permit application is incomplete	Yes	14 days after notice of decision	Municipal Board
Action	Appealable by public	Timeline for public to file Notice of Appeal	Appeal hearing body
Zoning by-law amendment decision ²	Yes	14 days after notice of first reading	Municipal Board

¹ A development proposal means a proposal which would require the approval of a subdivision application, a by-law amendment or a development permit.

² Sufficient objections have to be received at the public hearing and after notice of first reading for the application to be referred to the Municipal Board.

Appendix C:

Planning and Development Approval Process Flow Charts

The following flowcharts show planning and development application approval processes under The Planning Amendment and Winnipeg Charter Amendment Act. They identify steps required by The Planning Act, the City of Winnipeg Charter and the City of Winnipeg Development Procedures By-law (104/2020), as well as avenues for public objection, new service standards, and opportunities for appeal of decisions made by designated officials, planning commissions, councils and planning districts introduced under The Planning Amendment and Winnipeg Charter Amendment Act.

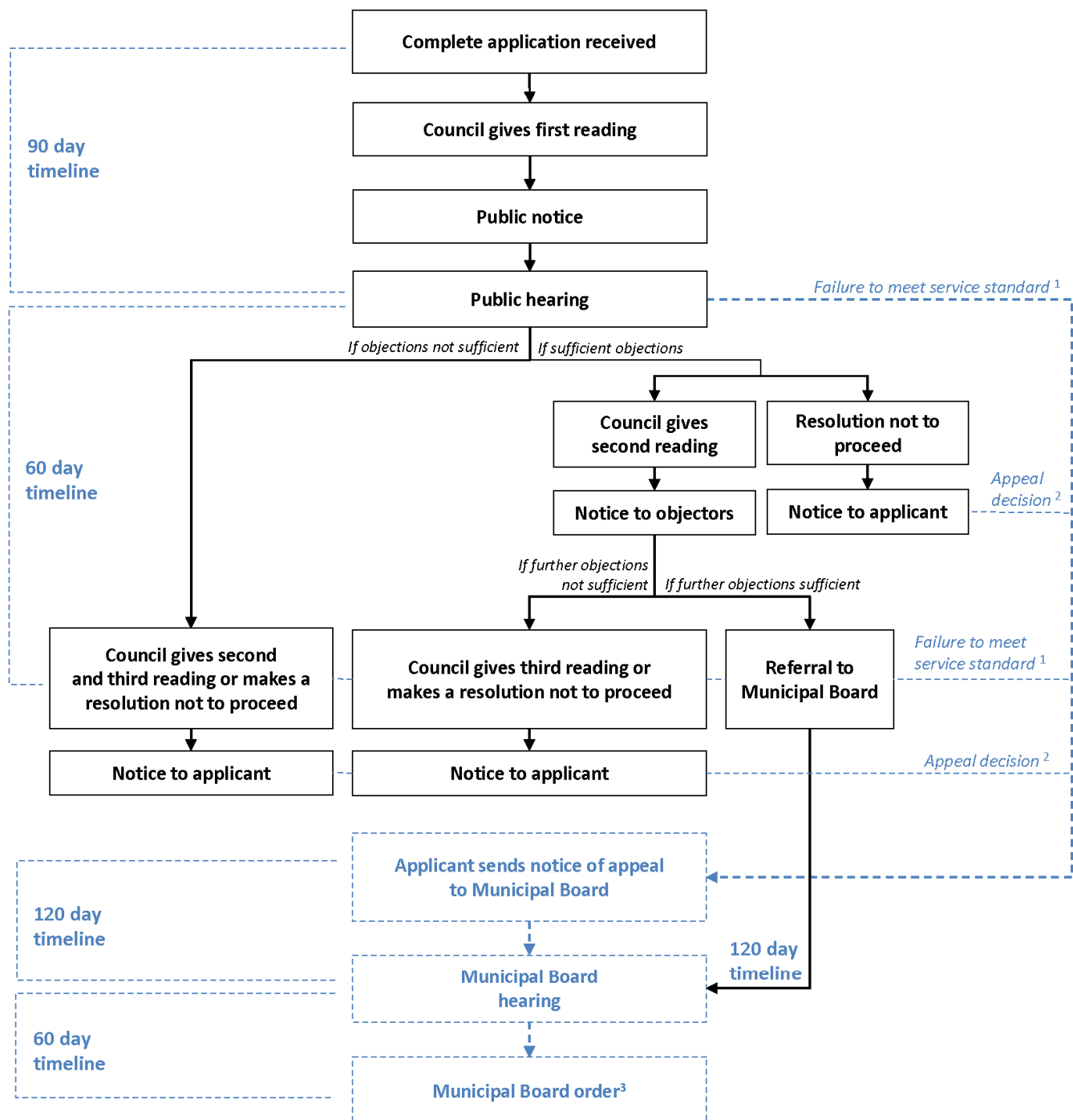
Notes:

“Decision” includes both rejection of an application and conditions of approval.

Blue text denotes service standards and appeal provisions introduced under The Planning Amendment and Winnipeg Charter Amendment Act.

The Planning Act

Secondary Plan Approval Process



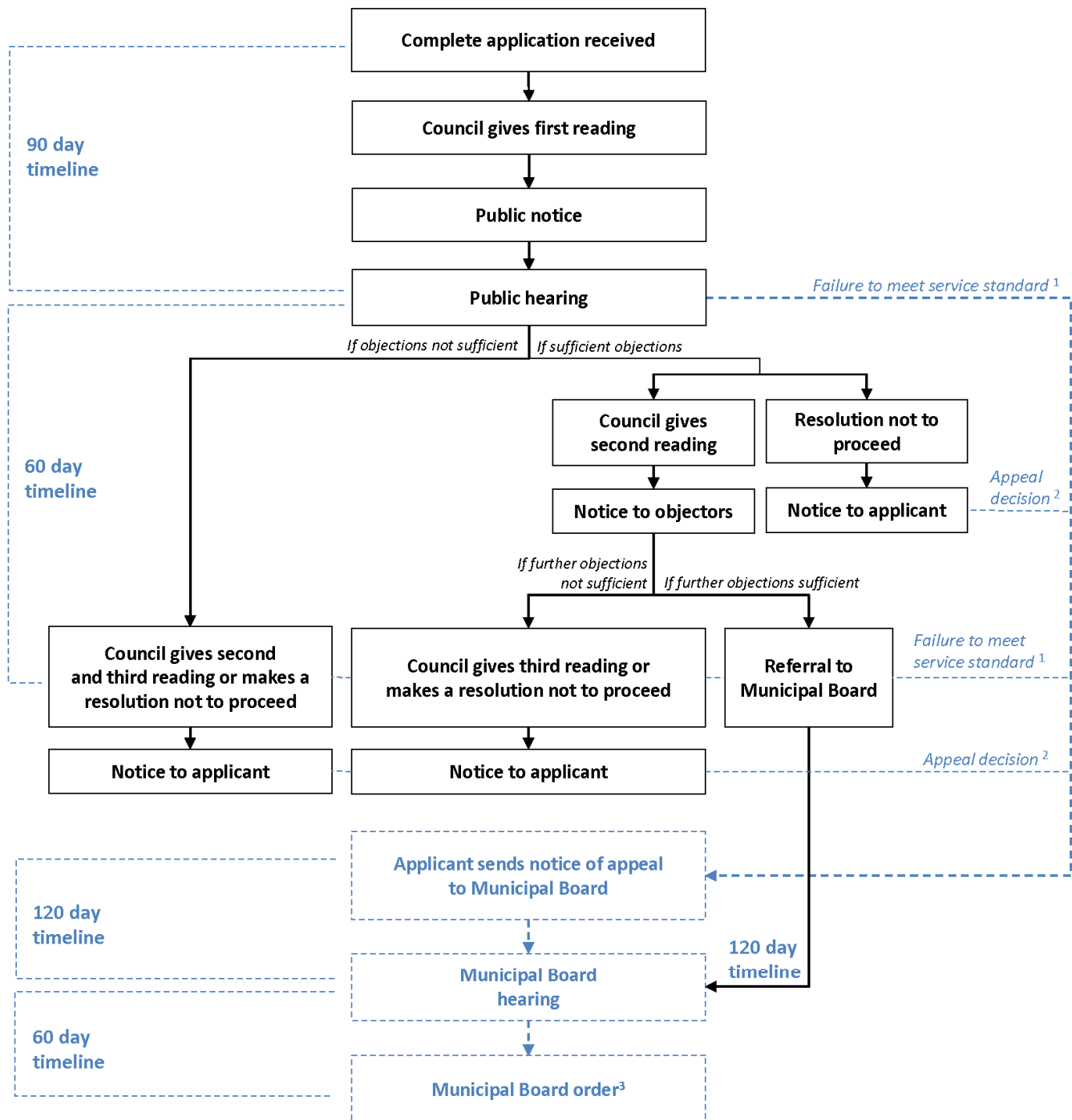
¹ Applicant has 90 days to appeal missed service standard.

² Applicant has 60 days to appeal decision (Council's rejection or conditions of approval).

³ If appeal was triggered by public objections (referral to Municipal Board), the by-law needs to receive third reading in order to be considered approved.

The Planning Act

Zoning By-law Approval Process



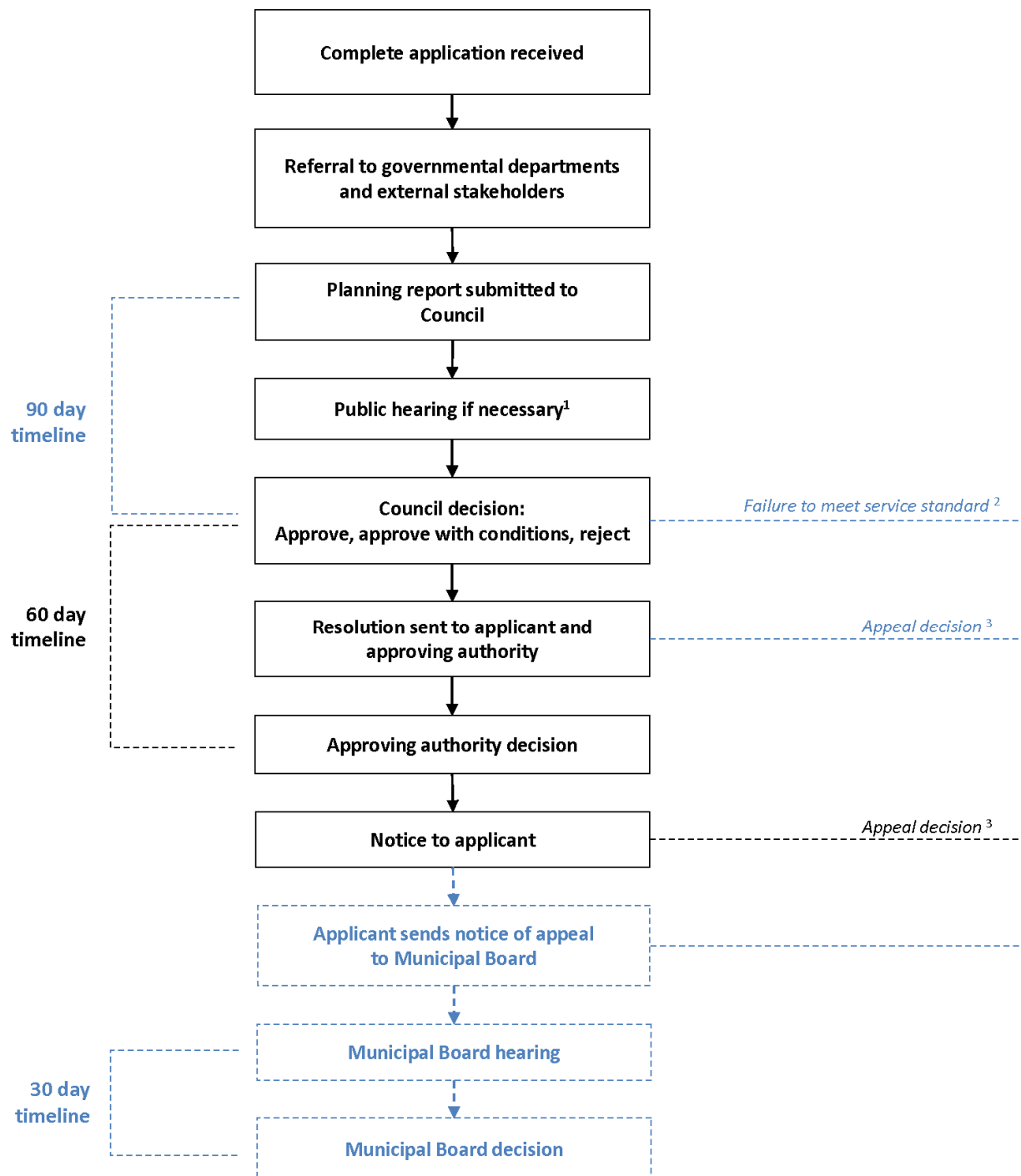
¹ Applicant has 90 days to appeal missed service standard.

² Applicant has 60 days to appeal decision (Council's rejection or conditions of approval).

³ If appeal was triggered by public objections (referral to Municipal Board), the by-law needs to receive third reading in order to be considered approved.

The Planning Act

Subdivision Approval Process (Standard)



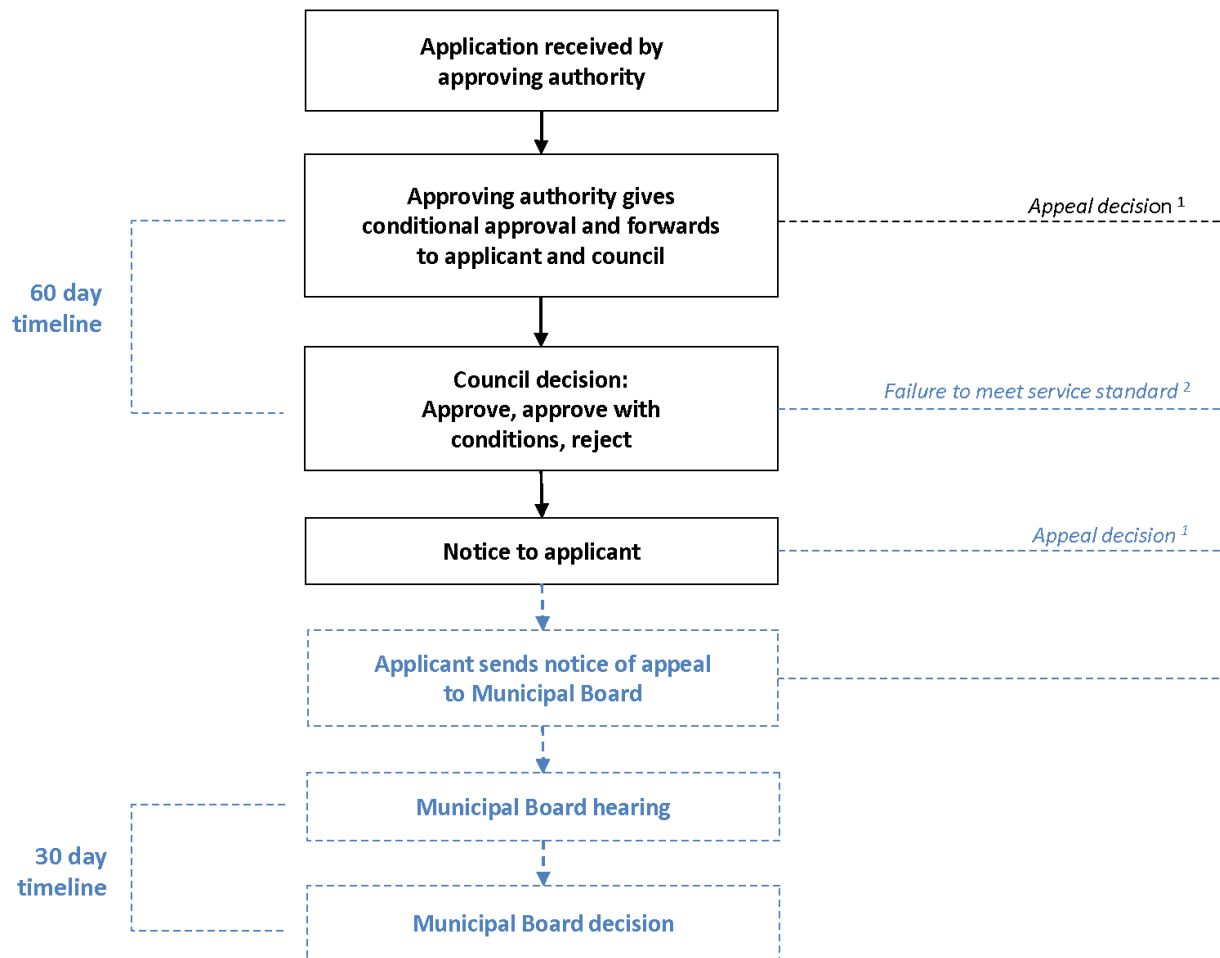
¹ If new public road is proposed.

² Applicant has 30 days to appeal missed service standard.

³ Applicant has 30 days to appeal Council or approving authority decision (rejection or conditions of approval).

The Planning Act

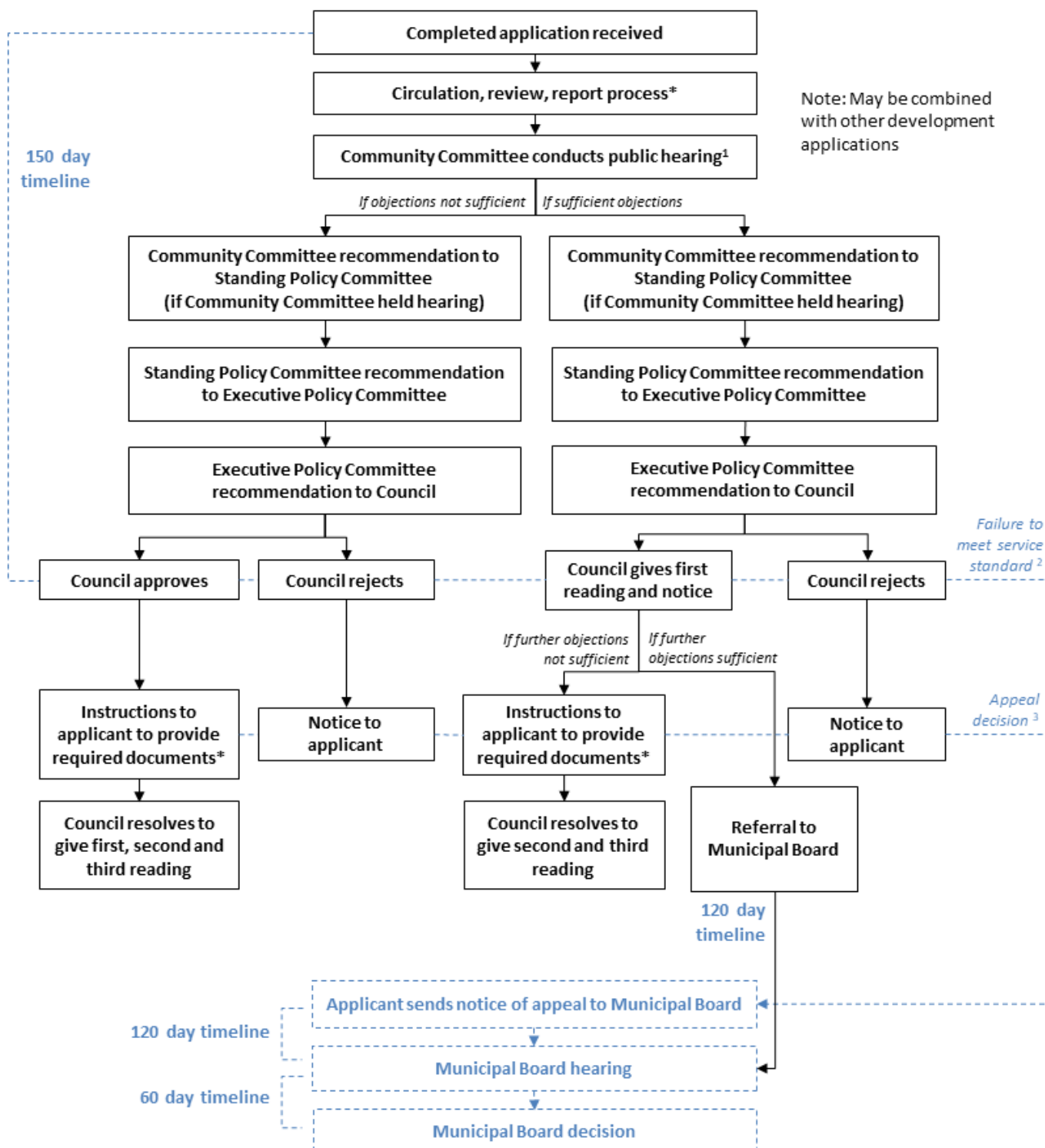
Subdivision Approval Process (minor)



¹ Applicant has 30 days to appeal Council or approving authority decision (rejection or conditions of approval).

² Applicant has 30 days to appeal missed service standard.

City of Winnipeg Charter Secondary Plan Amendment Approval Process



* Current City of Winnipeg internal process.

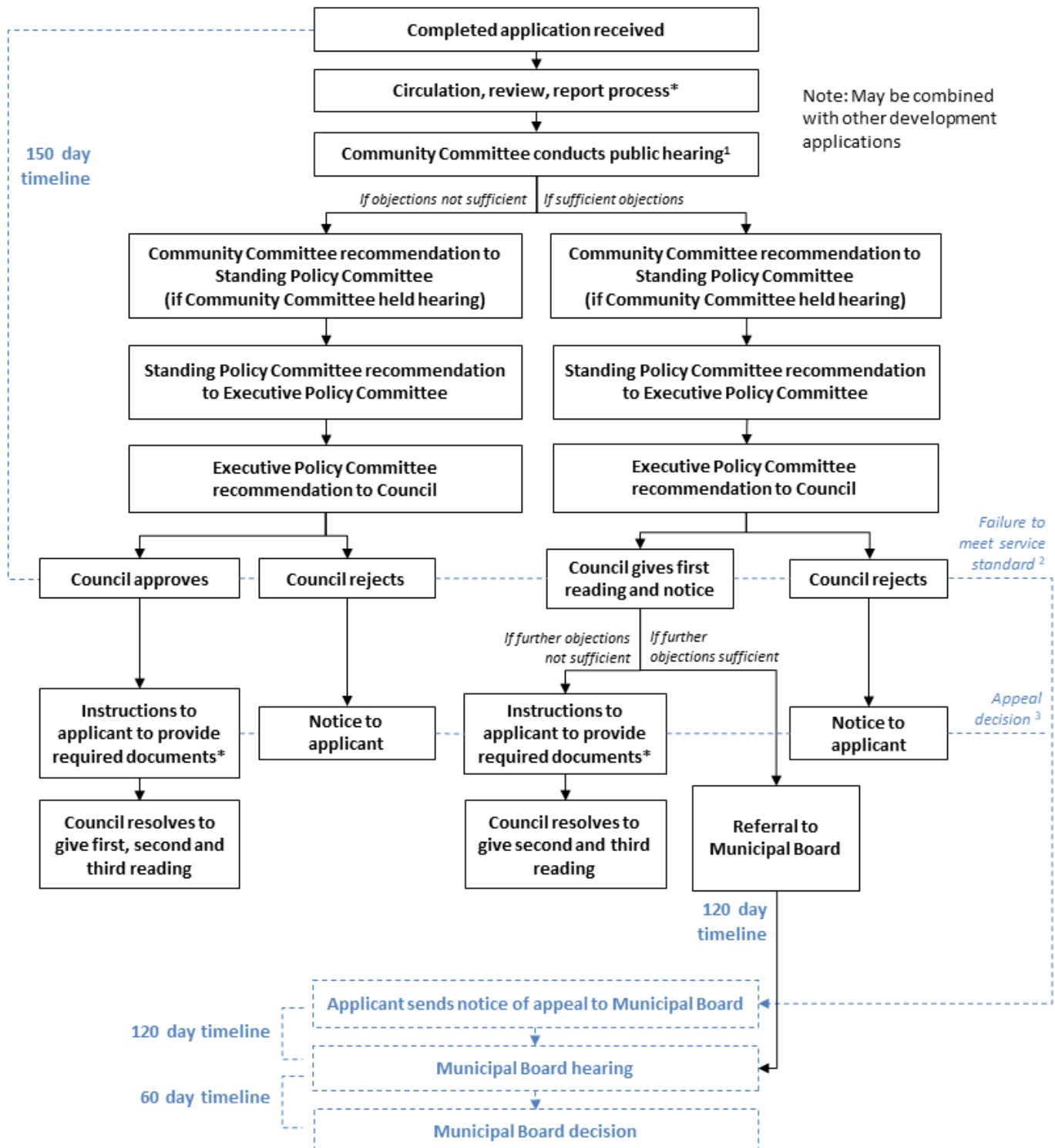
¹ Standing Policy Committee holds hearings for lands located in the downtown area. For land that is located in two or more community areas, the Standing Policy Committee holds the hearing unless they direct a Community Committee to hold the hearing.

² Applicant has 30 days to appeal missed service standard.

³ Applicant has 30 days to appeal decision (rejection or conditions of approval).

City of Winnipeg Charter

Zoning By-law Amendment Approval Process



* Current City of Winnipeg internal process.

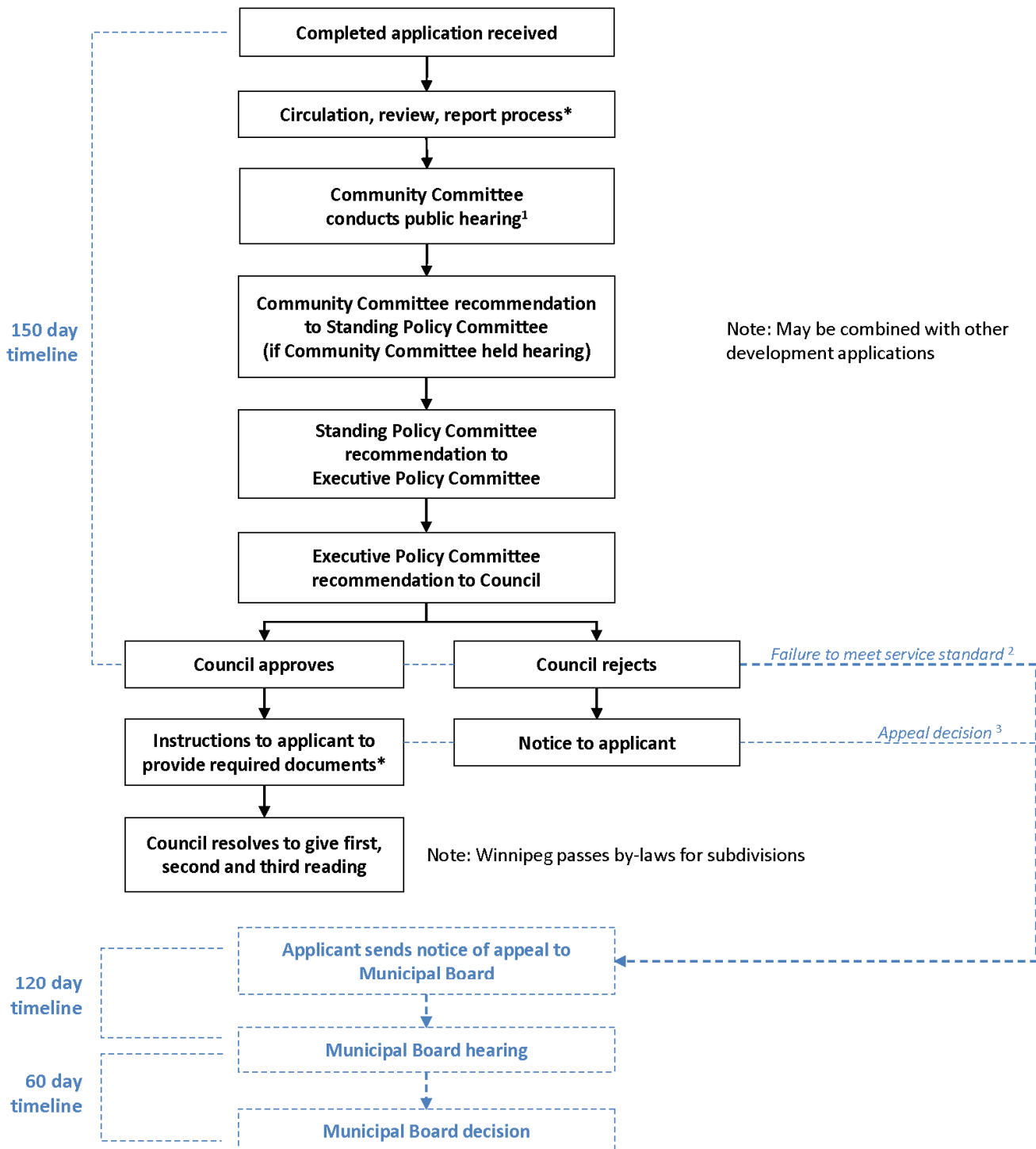
¹ Standing Policy Committee holds hearings for lands located in the downtown area. For land that is located in two or more community areas, the Standing Policy Committee holds the hearing unless they direct a Community Committee to hold the hearing.

² Applicant has 30 days to appeal missed service standard.

³ Applicant has 30 days to appeal decision (rejection or conditions of approval).

City of Winnipeg Charter

Subdivision Approval Process - Decision by Council



* Current City of Winnipeg internal process.

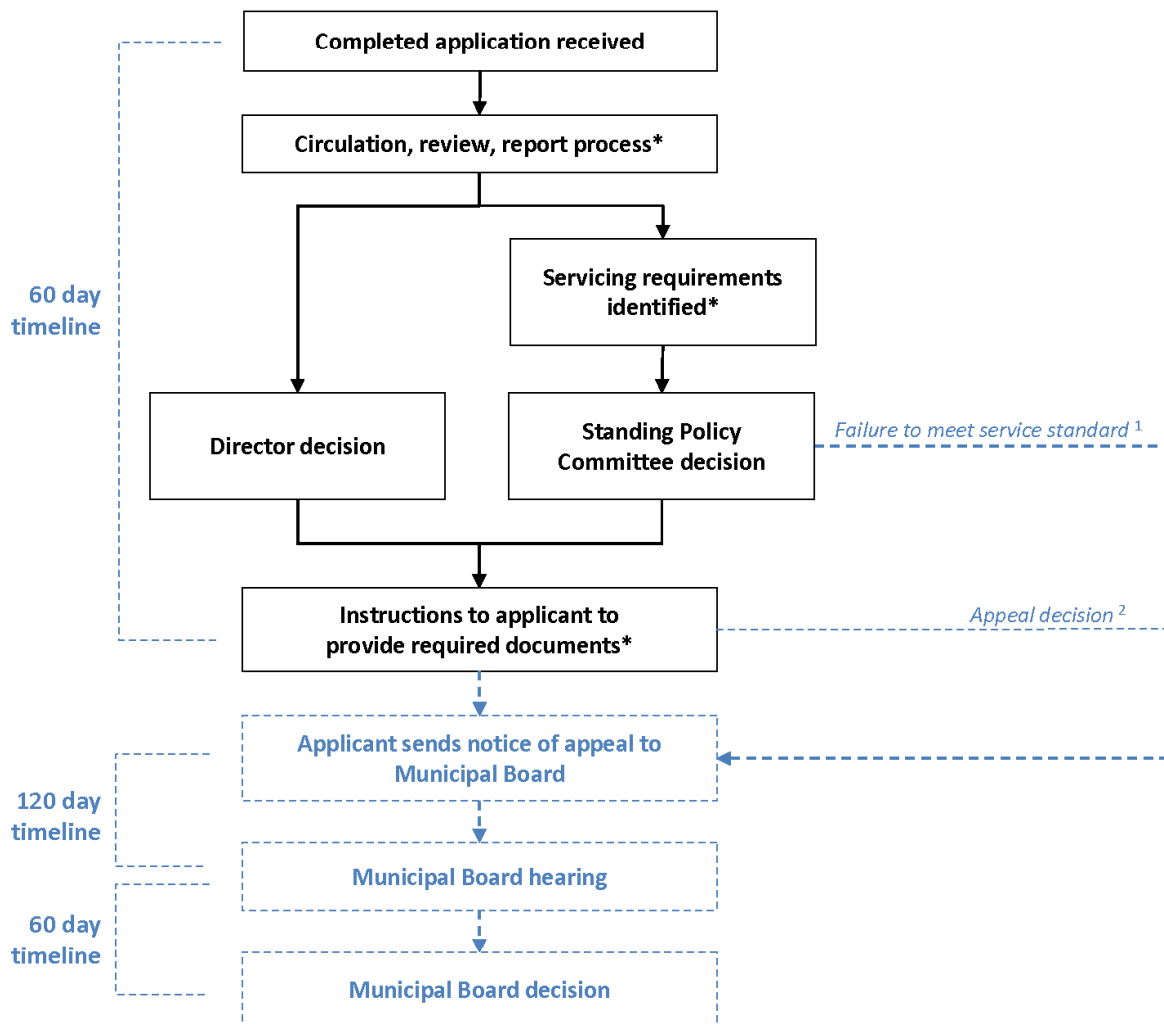
¹ Public hearing is held by Standing Policy Committee for subdivisions involving lands downtown or in multiple community areas.

² Applicant has 30 days to appeal missed service standard.

³ Applicant has 30 days to appeal decision (rejection or conditions of approval).

City of Winnipeg Charter

Subdivision Approval Process - Decision by Designated Employee (Director)



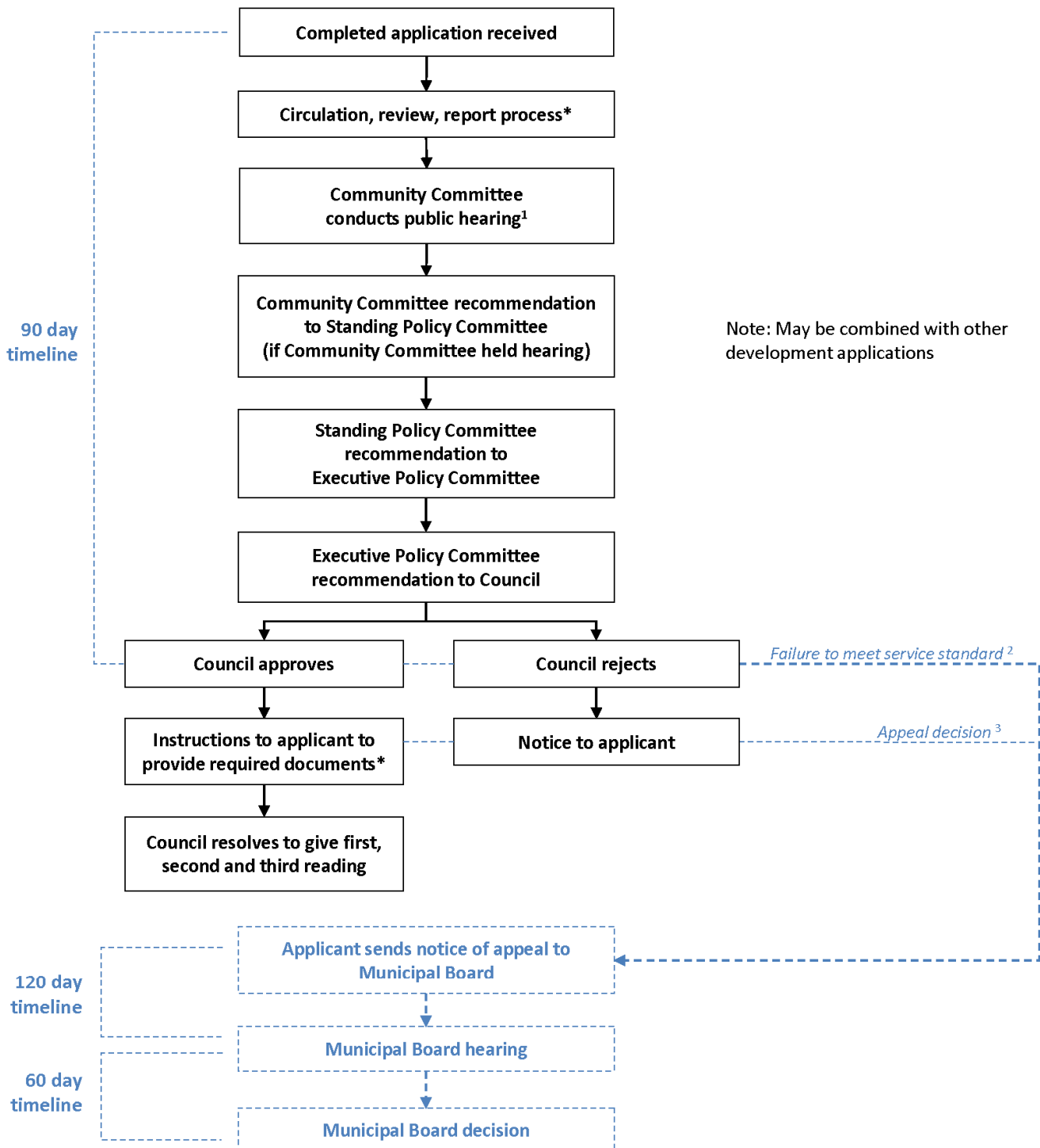
* Current City of Winnipeg internal process.

¹ Applicant has 30 days to appeal missed service standard.

² Applicant has 30 days to appeal decision (rejection or conditions of approval).

City of Winnipeg Charter

Development Agreement Amendment Process (Zoning)



* Current City of Winnipeg internal process.

¹ Standing Policy Committee holds hearings for lands located in the downtown and land that is located in two or more community areas. For land that is located in two or more community areas, the Standing Policy Committee may direct a Community Committee to hold the hearing.

² Applicant has 30 days to appeal missed service standard.

³ Applicant has 30 days to appeal decision (rejection or conditions of approval).

Appendix D:

List of Regulatory Making Authorities Created Under Proclaimed Parts of Bill 37

The following is a list of regulation making authorities created under the proclaimed portions of Bill 37, *The Planning Amendment and City of Winnipeg Charter Amendment Act*.

The Planning Act:

Development Agreement as Condition of Development Permit

149.1(3) The minister may make regulations prescribing major development for purposes of determining when a development agreement as a condition of a permit applies in the case of major development.

The City of Winnipeg Charter:

Development Agreement as Condition of Development Permit

240.1.1(3) The minister may make regulations prescribing a development to be a major development to define scope of development agreement a condition of a permit in the case of major development.

The Provincial Planning Regulation:

Note: amendments to the existing Provincial Planning Regulation will also be proposed to ensure the Provincial Land Use Policies, under *The Provincial Planning Regulation*, align and are consistent with key changes with respect to planning regions proposed under Bill 37.

FactSheet

City of Winnipeg Charter Amendment & Planning Amendment Act

The goal of the legislation is to streamline land use planning, remove unnecessary administrative burdens on the City of Winnipeg, property owners, and the court system and modernize building inspection processes in Winnipeg.

Establishing timelines on planning processes ensures timely decision-making and provides greater certainty needed for development and investment.

Key highlights of the legislation are as follows:

Planning Timelines

The following new changes complement existing timelines in The City of Winnipeg Charter and The Planning Act:

- Statutory timelines for application processing and planning appeals are clarified and can be extended with the agreement of the applicant.
- Planning authorities have an additional 30 days on the longest applicable timeline when holding combined hearings on two or more planning applications.
- Planning authorities have 20 days to determine if an application is complete.
- The timeline to file an appeal with the Municipal Board of subdivisions, aggregate quarries, and large-scale livestock operations is reduced from 30 days to 14 days under The Planning Act to align with other appeal timelines.

Secondary Plans in Winnipeg

Land developers observed that the requirement for a secondary plan led to delays in land use planning approvals. Secondary plans are primarily used in Winnipeg. A secondary plan is a land use plan for a specific neighbourhood, district or area of a municipality. In Winnipeg, these are housed within their 'complete communities' framework. They guide development for the specific area, such as public spaces, infrastructure, servicing and urban design.

Once proclaimed, section 275 (1.6) will place secondary plan considerations within the same timelines that exist for other plan amendment decision-making, eliminating the potential delays due to secondary plan amendment requirements.

Property owners may now appeal missed timelines and Council decision on an applicant prepared secondary plan to the Municipal Board.

Reducing Red Tape in Winnipeg

This legislation will alleviate unnecessary administrative burdens on the City of Winnipeg, property owners and the court system, which aligns with key government mandates to reduce red tape.

The amendments remove outdated and duplicative auditing measures regarding the Sinking Fund Trustees of the City of Winnipeg, remove the requirement for a duplicative step to approve the removal or demolition properties in tax arrears, and remove red tape around substitutional service provisions for compliance/demolition orders.

Modernizing Building and Fire Inspections in Winnipeg

This legislation amends The City of Winnipeg Charter to enable the City the option to appoint designated officials (third parties) to conduct building and fire inspections.

The amendments align the City of Winnipeg with other municipalities in Manitoba.

Other Updates

The legislation clarifies and updates key terms and definitions in planning legislation, including:

- Updates the hearing notification requirements in all areas of the province.
- Updates outdated terminology by replacing 'Plan Winnipeg' with 'Development Plan' and 'Permit' with 'Development Permit' to make consistent with other municipalities.
- Clarifies that development permits are required for any development in Winnipeg, making it consistent with all other municipalities.
- Updates terms 'rejected' and 'refused'. Generally, the term 'refuse' applies when an application is inconsistent with local by-laws or if information is missing. Whereas, 'rejection' is a decision of council on a completed planning application.
- Clarifies that Winnipeg Zoning by-laws must be consistent with its Development Plan and applicable secondary plans to align with the rest of the province.
- Under The Planning Act, the expiry of an approved variance can be extended for an additional year for a maximum of three years, to align with the expiry of approved conditional uses and with the City of Winnipeg Charter.

BILL 34 CITY OF WINNIPEG CHARTER AMENDMENT & PLANNING AMENDMENT ACT

FREQUENTLY ASKED QUESTIONS

Bill 34 at a Glance

1. Why is the Government of Manitoba making changes to The City of Winnipeg Charter and The Planning Act?

The proposed bill is part of the Government of Manitoba's ongoing efforts to streamline and modernize land use planning processes and reduce red tape for stakeholders and Manitobans.

The bill is a priority for the Government of Manitoba and builds upon the previous The Planning Amendment and City of Winnipeg Charter Amendment Act that passed on May 20, 2021.

2. Who has the Province consulted with?

The Government of Manitoba has been listening to stakeholders. The input we received from the Association of Manitoba Municipalities, City of Winnipeg administration, the public, and other stakeholders such as professional planners and the development industry has helped shape the legislation.

A multi-stakeholder working group established in January 2020 continues to meet regularly, which includes representation from the City of Winnipeg, the Association of Manitoba Municipalities, the Winnipeg Metropolitan Region, and professional associations and industry.

Streamlining Land use Planning

3. What statutory timelines does the bill create?

The proposed changes complement existing timelines in The City of Winnipeg Charter and The Planning Act, for example:

- Statutory timelines can be extended with the agreement of the applicant.
- Local planning authorities have 20 days to notify applicants if their planning application is complete or what additional information is required if it is not complete.
- Planning authorities have an additional 30 days on the longest applicable timeline when holding combined hearings on two or more planning applications.
- The timeline to file an appeal to the Municipal Board on subdivisions, aggregate quarries, and large-scale livestock operations is reduced from 30 days to 14 days under The Planning Act to be consistent with other appeal periods in the Act.

The proposed Bill also extends the existing rights of property owners in Winnipeg to appeal the decision of a designated employee to the rest of the province. This change ensures a fair and level playing field regardless of where Manitobans live in the Province.

4. How does the bill address secondary plans?

A secondary plan is a detailed land use plan for a specific neighbourhood, district or area of a municipality. Secondary plans must be consistent with the local development plan by-law and are typically initiated and prepared by a municipality or planning district to provide more detailed policies and objectives to guide development for the specific area, such as public spaces, infrastructure, servicing and urban design.

The bill allows the City of Winnipeg to require secondary plans be prepared and submitted by a property owner before applications made by the owner for zoning by-law amendment or approval of a plan of subdivision, under certain conditions.

City Council must establish criteria for determining when a property owner must prepare and submit a proposed secondary plan to the city. A by-law must set out the maps to be included, the manner for determining the appropriate boundaries of the neighbourhood or area to be subject to a proposed secondary plan submitted by an owner; and set out criteria to determine a complete secondary plan.

The bill establishes a 20-day timeline to accept the secondary plan application and 150 days for Council to make a decision on the secondary plan. Property owners also have the right to appeal the missed timeline or Council decision on their secondary plan application.

At this time, the proposed changes to secondary plans only apply to the City of Winnipeg which currently makes extensive use of secondary plans.

5. What are the other changes to land use planning?

The proposed bill includes a number of minor and miscellaneous changes to clarify and update a number of planning processes, including:

- Updating the hearing notification requirements for planning applications in the City of Winnipeg to make it more consistent with the rest of the province.
- Updating outdated terminology by replacing 'Plan Winnipeg' with 'Development Plan' and 'Permit' with 'Development Permit'.
- Clarifying that Winnipeg Zoning by-laws must be consistent with the Development Plan and applicable secondary plans to bring it inline with the rest of the province.
- The expiry of an approved variance can be extended up to three years under The Planning Act, to align with the expiry of approved conditional uses and provisions in the City of Winnipeg Charter.

6. What is being done to ensure that the proposed planning changes are effective?

The bill includes a requirement to review the planning changes by October 29, 2024 and to table a report in the Legislature within a year or by October 29, 2025, to align with a review of The Planning Amendment and City of Winnipeg Charter Amendment Act (formerly Bill 37).

Reducing Red Tape in Winnipeg

7. How is this bill reducing red tape?

Amendments to the Charter that reduce red tape will be in these areas:

- a) Auditing Sinking Fund Trustees of the City of Winnipeg – The proposed amendment will repeal the legislative provision requiring an annual audit of the City’s old Sinking Fund that was used for debt that was outstanding prior to December 31, 2002.
 - i. The Sinking Fund Trustees are audited annually through the City’s consolidated financial statements, resulting in a duplicative audit requirement and unnecessary red tape. These amendments will remove the duplicative audit requirements.
 - ii. These amendments will not apply to the City’s current Sinking Funds, which are governed by a separate section of The City of Winnipeg Charter. Current audit requirements for these sinking funds will continue to be in place.
- b) Property Removal and Demolition on Land in Tax Arrears – The proposed changes would retain the City’s ability to refuse permission to remove or demolish a building in tax arrears, but will remove the requirement for a duplicative approval process whereby property owners must get permission from the City tax collector prior to demolition, in addition to applying for a demolition permit. This will reduce red tape for property owners and the City of Winnipeg.
- c) Substitutional Service Provisions for Compliance of Demolition Orders – This would allow processing of substitutional service orders through the Land Titles office. This change would reduce the administrative burden of applying to the courts for a substitutional service order.

8. Why make changes to reduce red tape?

These changes will alleviate unnecessary administrative burdens on the City of Winnipeg and update legislation. They will also help Manitobans with more streamlined and consistent processes across the province.

9. Do the changes to reduce red tape result in additional costs for Manitobans?

There will be no additional cost to Manitobans. These legislative changes will save time and money for the Province and Manitobans while reducing burden for the City of Winnipeg, the courts, and property owners.

Building and Fire Inspections

10. What changes are being made to building and fire inspection processes?

Currently, the City of Winnipeg Charter only allows the City of Winnipeg to engage a designated employee to conduct building and fire inspections. The proposed changes gives the City greater flexibility to choose either a designated employee or a third party designated official to conduct building and fire inspections.

On January 15, 2021, the Manitoba Government made regulatory changes to allow municipalities incorporated under The Municipal Act to engage third parties to conduct building and fire inspections. The proposed changes bring the City of Winnipeg in line with service delivery options currently available to other municipalities.

This change delivers on Manitoba's commitment to modernize planning and permitting processes by establishing a coordinated approach to conducting building and fire inspections.

11. When will the bill take effect?

The bill will come into effect after it has passed all stages in the House (legislature) and upon a fixed proclamation date that is to be determined.

The Department of Municipal Relations will continue to work with all municipalities, planning districts and other key stakeholders to ensure they understand the requirements of the bill.



**THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN
PLANNING)**

STATUTES OF MANITOBA 2018

Chapter 14

Bill 19
3rd Session, 41st Legislature

Assented to June 4, 2018

**LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU
TERRITOIRE (EFFICACITÉ
ACCRUE)**

LOIS DU MANITOBA 2018

Chapitre 14

Projet de loi 19
3^e session, 41^e législature

Date de sanction : 4 juin 2018

EXPLANATORY NOTE

This note is a reader's aid and is not part of the law.

This Act amends *The Planning Act*.

Zoning by-laws

Before this enactment, the process for adopting or amending a zoning by-law provided for additional proceedings if anyone objected. Under this Act, those proceedings are required only if objections are received from 25 voters. If a zoning amendment concerns a specific property, the additional proceedings also apply only if at least 50% of the owners of the neighbouring properties object.

Livestock operations

The review and approval process for large-scale livestock operations is amended. Such an operation is no longer required to be designated as a conditional use in a zoning by-law, and any by-law that provides that designation must be reviewed within one year. An existing farm building that conforms to the applicable zoning by-law can be replaced, altered or expanded without the need for renewed approval. The provision deeming related nearby livestock operations to be a single operation is removed.

Appeals

Before this enactment, decisions about conditional use applications for large-scale livestock operations or aggregate quarry operations were not subject to appeal. Under this Act, an applicant may now appeal a rejection, or the imposition of conditions on an approval, to the Municipal Board.

Other key amendments

Under this Act,

- a 30-day time period is established for the Municipal Board to report on its hearing concerning a development plan by-law;

NOTE EXPLICATIVE

La note qui suit constitue une aide à la lecture et ne fait pas partie de la loi.

La présente loi modifie la *Loi sur l'aménagement du territoire*.

Règlements de zonage

Avant l'édiction du présent texte, le mécanisme d'adoption ou de modification des règlements de zonage prévoyait la prise de mesures supplémentaires en cas d'opposition. En vertu du présent texte, ces mesures sont seulement obligatoires lorsqu'au moins 25 électeurs présentent des oppositions. Si la modification proposée vise une propriété en particulier, ces mesures supplémentaires sont également mises en place lorsque les propriétaires de la majorité des propriétés environnantes s'y opposent.

Exploitations de bétail

Le mécanisme d'examen et d'approbation visant les exploitations de bétail à grande échelle est modifié. Ainsi, il n'est plus nécessaire que ces exploitations soient désignées à titre d'usage conditionnel dans un règlement de zonage et les règlements de zonage qui prévoient de telles désignations doivent faire l'objet d'un examen dans un délai d'un an. Les bâtiments agricoles existants qui sont conformes au règlement de zonage applicable peuvent être remplacés, ou faire l'objet d'une modification ou d'une expansion, sans que l'approbation doive être renouvelée. La disposition prévoyant que les exploitations de bétail avoisinantes produisant la même catégorie de bétail constituent une seule exploitation est abrogée.

Appels

Avant l'édiction du présent texte, les décisions portant sur les demandes d'usage conditionnel à l'égard d'exploitations de bétail à grande échelle ou de carrières d'agrégat ne pouvaient être portées en appel. En vertu de la présente loi, toute personne dont la demande est rejetée ou approuvée avec conditions peut interjeter appel auprès de la Commission municipale.

Autres modifications importantes

Le présent texte apporte de nombreuses autres modifications :

- la Commission municipale dispose d'une période de 30 jours pour faire rapport des audiences qu'elle tient relativement aux règlements portant sur un plan de mise en valeur;

- a municipality no longer reports to the minister on its consultation with school boards about development plan by-laws;
- the variance of a zoning by-law that can be approved by a designated employee is increased to 15% from not more than 10%;
- the process for closing public reserves is streamlined; and
- the Interdepartmental Planning Board is dissolved and references to it are removed from *The Environment Act* and *The Mines and Minerals Act*.

- les municipalités ne sont plus tenues de faire rapport au ministre au sujet des consultations qu'elles tiennent avec les commissions scolaires au sujet des règlements portant sur un plan de mise en valeur;
- les employés désignés peuvent dorénavant approuver toute dérogation aux exigences prévues par les règlements de zonage jusqu'à hauteur de 15 %, ce plafond étant préalablement fixé à 10 %;
- la fermeture des réserves publiques est simplifiée;
- la Commission interministérielle d'aménagement est dissoute et les mentions de cette dernière dans la *Loi sur l'environnement* et la *Loi sur les mines et les minéraux* sont supprimées.

CHAPTER 14

THE PLANNING AMENDMENT ACT (IMPROVING EFFICIENCY IN PLANNING)

(Assented to June 4, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M. c. P80 amended

1 ***The Planning Act** is amended by this Act.*

2 *Section 1.1 is repealed.*

3 *Subsection 42(3) is repealed.*

4 *Clause 44(1)(b) is amended by striking out "qualified land use planner" and substituting "person who is a registered professional planner within the meaning of *The Registered Professional Planners Act*".*

5 *Subsection 47(2) is amended by adding "and" at the end of clause (a) and repealing clause (a.1).*

CHAPITRE 14

LOI MODIFIANT LA LOI SUR L'AMÉNAGEMENT DU TERRITOIRE (EFFICACITÉ ACCRUE)

(Date de sanction : 4 juin 2018)

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

*Modification du c. P80 de la **C.P.L.M.***

1 *La présente loi modifie la **Loi sur l'aménagement du territoire**.*

2 *L'article 1.1 est abrogé.*

3 *Le paragraphe 42(3) est abrogé.*

4 *L'alinéa 44(1)b) est modifié par substitution, à « planificateur de l'usage des biens-fonds compétent en la matière », de « urbaniste professionnel au sens de la Loi sur les urbanistes professionnels ».*

5 *L'alinéa 47(2)a.1) est abrogé.*

6 *Section 48 is amended*

(a) in the part before clause (a), by striking out "made a representation" and substituting "objected to the by-law"; and

(b) in clause (c), by striking out "a representation" and substituting "an objection".

7 *Subsection 50(2) is amended by striking out "After" and substituting "Within 30 days after".*

8 *Section 53 is amended*

(a) by repealing clause (a); and

(b) by replacing clause (b) with the following:

(b) give the minister a copy of the development plan by-law in the form directed by the minister; and

9 *Subsection 72(2) is repealed.*

10 *The following is added after section 72:*

Changes to farm buildings housing livestock

72.1(1) For a livestock operation, an authorized change to an existing farm building that houses livestock is deemed not to be a failure to comply with, or a change to a condition imposed on, the approval of a conditional use, an intensification of a use, a new use or new construction under this Act or any zoning by-law.

6 *L'article 48 est modifié :*

a) dans le passage introductif, par substitution, à « ayant présenté des observations », de « s'étant opposées au règlement »;

b) dans l'alinéa c), par substitution, à « a présenté des observations », de « s'y est opposé ».

7 *Le paragraphe 50(2) est modifié par substitution, à « Après », de « Au plus tard 30 jours après ».*

8 *L'article 53 est modifié :*

a) par abrogation de l'alinéa a);

b) par substitution, à l'alinéa b), de ce qui suit :

b) donner au ministre une copie du règlement portant sur le plan de mise en valeur en la forme qu'il fixe;

9 *Le paragraphe 72(2) est abrogé.*

10 *Il est ajouté, après l'article 72, ce qui suit :*

Modifications apportées aux bâtiments agricoles logeant du bétail

72.1(1) Dans le cas d'une exploitation de bétail, toute modification autorisée apportée à un bâtiment agricole existant qui loge du bétail est réputée, pour l'application de la présente loi ou d'un règlement de zonage, ne pas constituer un nouvel usage, une nouvelle construction, l'intensification d'un usage, ni une omission de se conformer à une condition imposée au moment de l'approbation d'un usage conditionnel ou la modification d'une telle condition.

Meaning of "authorized change"

72.1(2) In subsection (1), "**authorized change**", in relation to an existing farm building, means the replacement, or an alteration or expansion, of the building that does not result in an increase in the original number of animal units capable of being handled by the livestock operation by more than 15%.

Use of existing building during construction

72.1(3) An existing farm building that is to be replaced by a new farm building, as permitted under this section, may continue to be used while the replacement building is being constructed, but may not be used to house livestock once the replacement building is substantially complete.

Limitation re non-conforming buildings and uses

72.1(4) This section does not apply to an existing farm building or use of land that does not conform with the applicable zoning by-law.

11 The following is added after the centred heading "ADOPTION OF ZONING BY-LAW" and before section 74:

Eligible persons

73.1(1) In this section, "**eligible person**" means a person who would be eligible, if a general election were held under *The Municipal Councils and School Boards Elections Act* on the day the objection was made, to vote at an election of members of

(a) the council of the municipality, in the case of a zoning by-law of a municipality; or

(b) the council of a member municipality, in the case of a district-wide zoning by-law.

Sens de « modification autorisée »

72.1(2) Pour l'application du paragraphe (1), « **modification autorisée** » s'entend du remplacement, de la modification ou de l'expansion d'un bâtiment agricole existant qui n'entraîne pas l'augmentation de plus de 15 % du nombre d'unités animales que l'exploitation était en mesure d'accueillir.

Usage des bâtiments existants pendant la construction

72.1(3) Les bâtiments agricoles existants devant être remplacés, comme le permet le présent article, peuvent continuer à être utilisés pendant la construction du nouveau bâtiment, mais du bétail ne peut y être logé une fois la construction essentiellement achevée.

Non-application aux usages et bâtiments non conformes

72.1(4) Le présent article ne s'applique pas aux usages de biens-fonds ni aux bâtiments agricoles existants qui ne sont pas conformes au règlement de zonage applicable.

11 Il est ajouté, après le titre « ADOPTION DU RÈGLEMENT DE ZONAGE » et avant l'article 74, de ce qui suit :

Personnes admissibles

73.1(1) Pour l'application du présent article, « **personne admissible** » s'entend de toute personne qui, si des élections générales tenues sous le régime de la *Loi sur les élections municipales et scolaires* avaient lieu le jour où l'opposition est présentée, aurait le droit de voter à l'élection des membres :

a) du conseil de la municipalité, s'il s'agit d'un règlement de zonage d'une municipalité;

b) du conseil d'une municipalité participante, s'il s'agit d'un règlement de zonage à l'échelle du district.

Sufficient objections re adopting a zoning by-law

73.1(2) To be sufficient for the purposes of sections 74 to 79 (adoption of a zoning by-law), objections must be received from at least 25 eligible persons.

Sufficient objections re amending a zoning by-law

73.1(3) To be sufficient for the purposes of applying sections 74 to 79 to a proposed amendment to a zoning by-law, objections must be received from at least

- (a) 25 eligible persons; or
- (b) 50% of the total number of owners of property located within 100 metres of the affected property.

Objections on owner's behalf

73.1(4) A person who is authorized in writing by an owner described in clause (3)(b) may make an objection on the owner's behalf.

12 Section 75 is amended

- (a) in the section heading, by striking out "no objection" and substituting "objections not sufficient"; and
- (b) in the part before clause (a), by striking out "If no person objects to" and substituting "Unless there are sufficient objections to".

13(1) Subsection 76(1) is amended

- (a) by striking out "an objection to a zoning by-law is" and substituting "sufficient objections to a zoning by-law are"; and
- (b) by striking out "it" and substituting "the objections".

Nombre suffisant d'oppositions — adoption d'un règlement de zonage

73.1(2) Pour l'application des articles 74 à 79, le nombre d'oppositions présentées est suffisant lorsqu'elles proviennent d'au moins 25 personnes admissibles.

Nombre suffisant d'oppositions — modification d'un règlement de zonage

73.1(3) Pour l'application des articles 74 à 79, le nombre d'oppositions présentées à l'égard d'une modification proposée à un règlement de zonage est suffisant lorsqu'elles proviennent, selon le cas, d'au moins :

- a) 25 personnes admissibles;
- b) 50 % du nombre total des propriétaires dont la propriété est située dans un rayon de 100 mètres de la propriété visée.

Oppositions présentées au nom d'un propriétaire

73.1(4) La personne qu'un propriétaire visé à l'alinéa (3)b) a autorisée par écrit peut présenter une opposition au nom de ce dernier.

12 L'article 75 est modifié :

- a) dans le titre, par substitution, à « d'opposition », de « d'un nombre suffisant d'oppositions »;
- b) dans le passage introductif, par substitution, à « Si personne ne s'oppose au », de « Sauf si un nombre suffisant d'oppositions sont présentées à l'égard du ».

13(1) Le paragraphe 76(1) est remplacé par ce qui suit :**Oppositions lors de l'audience tenue par la commission d'aménagement du territoire**

76(1) Si un nombre suffisant d'oppositions sont reçues à l'égard d'un règlement de zonage lors d'une audience tenue par la commission d'aménagement du territoire en vertu du paragraphe 74(1), elles doivent être traitées en conformité avec le présent article.

13(2) Subsection 76(2) is amended in the part before clause (a), by striking out "objection" and substituting "objections".

13(2) Le paragraphe 76(2) est modifié par substitution, à « Après que la commission d'aménagement du territoire lui ait transmis l'avis de l'opposition », de « Lorsque la commission d'aménagement du territoire l'a avisé qu'un nombre suffisant d'oppositions ont été présentées ».

13(3) Clause 76(3)(b) is amended by striking out "a second objection is" and substituting "sufficient objections are".

13(3) L'alinéa 76(3)b) est modifié par substitution, à « aucune nouvelle opposition n'est déposée », de « un nombre insuffisant d'oppositions sont déposées ».

13(4) Subsection 76(4) is amended

13(4) Le paragraphe 76(4) est modifié :

(a) in the section heading, by striking out "no second objection" and substituting "second objections are not sufficient"; and

a) dans le titre, par substitution, à « de nouvelle opposition », de « d'un nombre suffisant d'oppositions »;

(b) in the part before clause (a), by striking out "a second objection" and substituting "sufficient objections".

b) dans le passage introductif, par substitution, à « ne reçoit aucune nouvelle opposition », de « reçoit un nombre insuffisant d'oppositions ».

13(5) Subsection 76(5) is amended

13(5) Le paragraphe 76(5) est modifié :

(a) in the section heading, by striking out "on second objection" and substituting "if sufficient objections";

a) dans le titre, par substitution, à « sur la nouvelle opposition », de « — nombre suffisant d'oppositions »;

(b) in the part before clause (a), by striking out "a second objection" and substituting "sufficient objections"; and

b) dans le passage introductif, par substitution, à « une nouvelle opposition », de « un nombre suffisant d'oppositions »;

(c) in clause (a), by striking out "objection" and substituting "objections".

c) dans l'alinéa a), par substitution, à « de l'opposition », de « des oppositions ».

13(6) Clause 76(6)(b) is amended by striking out "objection" and substituting "objections".

13(6) L'alinéa 76(6)b) est modifié par substitution, à « l'opposition soulevée », de « les oppositions présentées ».

14(1) Subsection 77(1) is amended

(a) by striking out "an objection to a zoning by-law is" and substituting "sufficient objections to a zoning by-law are"; and

(b) by striking out "it" and substituting "the objections".

*14(1) Le paragraphe 77(1) est remplacé par ce qui suit :***Oppositions lors de l'audience tenue par la commission ou le conseil**

77(1) Si un nombre suffisant d'oppositions sont reçues à l'égard d'un règlement de zonage lors d'une audience tenue par la commission ou le conseil en vertu du paragraphe 74(1), elles doivent être traitées en conformité avec le présent article.

14(2) Subsection 77(4) is amended

(a) in the section heading, by striking out "no second objection" and substituting "second objections are not sufficient"; and

(b) in the part before clause (a), by striking out "a second objection" and substituting "sufficient objections".

14(2) Le paragraphe 77(4) est modifié :

a) dans le titre, par substitution, à « de nouvelle opposition », de « d'un nombre suffisant d'oppositions »;

b) dans le passage introductif, par substitution, à « ne reçoit aucune nouvelle opposition », de « reçoit un nombre insuffisant d'oppositions ».

14(3) Subsection 77(5) is amended

(a) in the section heading, by striking out "second objection" and substituting "objections"; and

(b) in the part before clause (a),

(i) by striking out "a second objection" and substituting "sufficient objections", and

(ii) by striking out "the objection" and substituting "the objections".

14(3) Le paragraphe 77(5) est modifié :

a) dans le titre, par substitution, à « de la nouvelle opposition », de « des oppositions »;

b) dans le passage introductif, par substitution, à « une nouvelle opposition dans le délai précisé dans l'avis prévu au paragraphe (3) doit la », de « un nombre suffisant d'oppositions dans le délai précisé dans l'avis prévu au paragraphe (3) doit les ».

15 Subsection 78(1) is amended in the part before clause (a), by striking out "a second objection" and substituting "an objection".

15 Le passage introductif du paragraphe 78(1) est modifié par substitution, à « une nouvelle opposition », de « toute opposition ».

16 Subsection 80(3) is amended by striking out "Sections" and substituting "Subsection 73.1(3) and sections".

16 Le paragraphe 80(3) est modifié par substitution, à « Les », de « Le paragraphe 73.1(3) et les ».

17 Subsection 102(1) is amended by striking out "10%" in clauses (a) and (b) and substituting "15%".

17 Les alinéas 102(1)a) et b) sont modifiés par substitution, à « 10 % », de « 15 % ».

18(1) Subsection 109(1) is amended by striking out "The order" and substituting "Except as provided in section 118.2, the order".

18(1) Le paragraphe 109(1) est modifié par substitution, à « L'ordre », de « Sous réserve de l'article 118.2, l'ordre ».

18(2) Subsection 109(2) is replaced with the following:

18(2) Le paragraphe 109(2) est remplacé par ce qui suit :

Appeal of planning commission order

109(2) The order of a planning commission on an application for approval of a conditional use — except a decision that is subject to section 118.2 — may be appealed in accordance with sections 34 and 35 (appeal of decision by commission).

Appel d'un ordre de la commission d'aménagement du territoire

109(2) L'ordre d'une commission d'aménagement du territoire portant sur une demande visant l'approbation d'un usage conditionnel — sauf s'il s'agit d'une décision visée à l'article 118.2 — peut être porté en appel conformément aux articles 34 et 35.

19 Subsection 114(1) is amended by striking out ", which must be at least 30 days after it receives the Technical Review Committee report respecting the application".

19 Le paragraphe 114(1) est modifié par suppression de « L'audience doit avoir lieu au plus tôt 30 jours après la réception, par la commission, le conseil ou la commission d'aménagement du territoire, du rapport du Comité d'examen technique portant sur la demande. ».

20 The following is added after section 118 as part of Part 7:

20 Il est ajouté, après l'article 118, mais dans la partie 7, ce qui suit :

DIVISION 3

APPEALS CONCERNING AGGREGATE QUARRIES AND LARGE-SCALE LIVESTOCK OPERATIONS

Definitions

118.1 The following definitions apply in this Division.

"**aggregate quarry**" has the same meaning as in subsection 1(1) of *The Mines and Minerals Act*. (« carrière d'agrégat »)

SECTION 3

APPELS RELATIFS AUX CARRIÈRES D'AGRÉGAT ET AUX EXPLOITATIONS DE BÉTAIL À GRANDE ÉCHELLE

Définitions

118.1 Les définitions qui suivent s'appliquent à la présente section :

« **carrière d'agrégat** » S'entend au sens du paragraphe 1(1) de la *Loi sur les mines et les minéraux*. ("aggregate quarry")

"large-scale livestock operation" means a livestock operation that is subject to Division 2. (« exploitation de bétail à grande échelle »)

« exploitation de bétail à grande échelle »
Exploitation de bétail visée à la section 2. ("large-scale livestock operation")

Right to appeal

118.2(1) An applicant may appeal the following decisions of a board, council or planning commission to the Municipal Board:

- (a) for an application for approval of a conditional use made in respect of an aggregate quarry,
 - (i) a decision to reject the application,
 - (ii) a decision to impose conditions;
- (b) for an application for approval of a conditional use made in respect of a large-scale livestock operation,
 - (i) a decision to reject the application,
 - (ii) a decision to impose conditions.

Droit d'appel

118.2(1) L'auteur d'une demande peut interjeter appel auprès de la Commission municipale des décisions indiquées ci-dessous rendues par une commission, un conseil ou une commission d'aménagement du territoire :

- a) à l'égard d'une demande visant l'approbation d'un usage conditionnel à l'égard d'une carrière d'agrégat :
 - (i) une décision portant rejet de la demande,
 - (ii) une décision portant imposition de conditions;
- b) à l'égard d'une demande visant l'approbation d'un usage conditionnel à l'égard d'une exploitation de bétail à grande échelle :
 - (i) une décision portant rejet de la demande,
 - (ii) une décision portant imposition de conditions.

How to appeal

118.2(2) An appeal may be commenced by sending a notice of appeal to the Municipal Board within 30 days after the board, council or planning commission gives notice of its decision under

- (a) section 108, in respect of an application concerning an aggregate quarry; or
- (b) section 117, in respect of an application concerning a large-scale livestock operation.

Procédure d'appel

118.2(2) L'appel peut être interjeté par l'envoi d'un avis d'appel à la Commission municipale dans les 30 jours suivant la date à laquelle la commission, le conseil ou la commission d'aménagement du territoire donne avis de sa décision en vertu :

- a) de l'article 108, s'il s'agit d'une demande visant une carrière d'agrégat;
- b) de l'article 117, s'il s'agit d'une demande visant une exploitation de bétail à grande échelle.

Notice of appeal

118.2(3) A notice of appeal must include the following information:

- (a) the legal description of the land that is subject to the application and the name of the municipality in which the land is located;

Avis d'appel

118.2(3) L'avis d'appel comprend les renseignements suivants :

- a) la description légale du bien-fonds visé par la demande et le nom de la municipalité où il se situe;

(b) the name and address of the appellant;

b) le nom et l'adresse de l'appelant;

(c) if the decision being appealed relates to conditions imposed in a conditional approval, a description of the conditions being appealed.

c) si la décision portée en appel se rapporte aux conditions imposées à l'égard de l'approbation d'un usage conditionnel, une mention des conditions faisant l'objet de l'appel.

Appeal hearing

118.3(1) The Municipal Board must hold a hearing to consider the appeal.

Audience d'appel

118.3(1) La Commission municipale tient une audience pour examiner l'appel.

Notice of hearing

118.3(2) At least 14 days before the hearing, the Municipal Board must send notice of the hearing to the appellant, the board, council or planning commission and any other person the Municipal Board considers appropriate.

Avis d'audience

118.3(2) Au moins 14 jours avant l'audience, la Commission municipale envoie un avis d'audience à l'appelant, à la commission, au conseil ou à la commission d'aménagement du territoire et à toute autre personne à laquelle elle estime indiqué de le faire parvenir.

Decision of Municipal Board

118.4(1) The Municipal Board must make an order

Décision de la Commission municipale

118.4(1) Par ordonnance, la Commission municipale :

(a) rejecting the proposal; or

a) soit rejette la proposition;

(b) approving the proposal, subject to any conditions described in the following provisions that it considers appropriate:

b) soit l'approuve, sous réserve des conditions qu'elle estime indiquées et qui sont énoncées :

(i) subsection 106(2), in the case of an aggregate quarry,

(i) au paragraphe 106(2), s'il s'agit d'une carrière d'agrégat,

(ii) section 107, in the case of a large-scale livestock operation.

(ii) à l'article 107, s'il s'agit d'une exploitation de bétail à grande échelle.

Notice of decision

118.4(2) The Municipal Board must make its order within 30 days after the hearing is concluded and must send a copy of the order to the appellant, the board, council or planning commission and any other party to the appeal.

Avis de la décision

118.4(2) La Commission municipale rend son ordonnance dans les 30 jours après la date à laquelle l'audience a pris fin et en envoie une copie à l'appelant, à la commission, au conseil ou à la commission d'aménagement du territoire et à toute autre partie à l'appel.

Decision not subject to appeal

118.4(3) A decision of the Municipal Board on an appeal is final and not subject to further appeal.

Décision définitive et sans appel

118.4(3) La décision que la Commission municipale rend à l'égard d'un appel est définitive et ne peut faire l'objet d'aucun autre appel.

Effect of decision

118.5 The applicable board, council or planning commission continues to have jurisdiction under the following provisions in respect of an order made under section 118.4, but may not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under clause 118.4(1)(b):

- (a) subsections 106(3) and (4) and section 110, in the case of an aggregate quarry;
- (b) subsection 116(4), in the case of a large-scale livestock operation.

21 *Clause 129(4)(a) is amended by adding "the name of" before "the municipality".*

22 *Subsection 131(2) is amended in the French version by striking out "à compter de" and substituting "suivant".*

23 *Subsection 139(1) is amended, in the part before clause (a), by adding ", whether the land is in the name of the municipality or the Crown in right of Manitoba," after "public reserve land".*

24 *Subsection 163(1) is amended by striking out "or" at the end of clause (a), adding "or" at the end of clause (b) and adding the following after clause (b):*

- (c) sent by e-mail or other method of electronic communication to the person, but only if the person has agreed in writing that the notice or document may be sent to the person by e-mail or other method of electronic communication.

Effet de la décision

118.5 La commission, le conseil ou la commission d'aménagement du territoire en question peut toujours exercer les attributions que lui confèrent les dispositions indiquées ci-dessous relativement à une ordonnance rendue en application de l'article 118.4, mais ne peut exiger du propriétaire de la propriété visée qu'il conclue une entente de mise en valeur en vertu de l'article 150 à moins que la Commission municipale n'ait imposé une telle condition conformément à l'alinéa 118.4(1)b) :

- a) les paragraphes 106(3) et (4) et l'article 110, s'il s'agit d'une carrière d'agrégat;
- b) le paragraphe 116(4), s'il s'agit d'une exploitation de bétail à grande échelle.

21 *L'alinéa 129(4)a) est modifié par adjonction, avant « de la municipalité », de « le nom ».*

22 *Le paragraphe 131(2) de la version française est modifié par substitution, à « à compter de », de « suivant ».*

23 *Le passage introductif du paragraphe 139(1) est modifié, par adjonction, après « comme suit », de « , que son titre soit en son nom ou au nom de la Couronne du chef du Manitoba ».*

24 *Les alinéas 163(1)a) à c) sont remplacés par ce qui suit :*

- a) lui être remis en mains propres;
- b) lui être envoyé par courrier ordinaire;
- c) lui être envoyé au moyen d'une méthode de communication électronique, notamment par courrier électronique, mais uniquement si la personne a consenti par écrit à ce que l'avis ou le document lui soit envoyé de cette façon.

25 *The following is added after subsection 169(4):*

Notice of a conditional use involving an aggregate quarry

169(5) Despite subsection (2), a copy of a notice of hearing on an application to approve a conditional use respecting an aggregate quarry, as defined in section 118.1, must be sent to the minister at least 60 days before the matter is heard, as provided for under section 105.

25 *Il est ajouté, après le paragraphe 169(4), ce qui suit :*

Avis — usage conditionnel à l'égard d'une carrière d'agrégat

169(5) Par dérogation au paragraphe (2), une copie de l'avis de l'audience portant sur une demande visant l'approbation d'un usage conditionnel à l'égard d'une carrière d'agrégat, au sens de l'article 118.1, doit être envoyée au ministre au moins 60 jours avant l'audience, pour l'application de l'article 105.

26 *Section 190 is repealed.*

26 *L'article 190 est abrogé.*

27 *Clause 193(1)(b.1) is repealed.*

27 *L'alinéa 193(1)b.1) est abrogé.*

TRANSITIONAL PROVISIONS

Review of large-scale conditional use livestock operations

28(1) *A planning district or municipality that has designated livestock operations involving 300 or more animal units as a conditional use in its zoning by-law must complete a review of the designation within one year after the coming into force of this section.*

Method of review

28(2) *As part of the review, the designation must be examined within the framework of the applicable livestock operation policy, and the board or council must hold one or more public meetings to obtain public input on the designation.*

DISPOSITIONS TRANSITOIRES

Examen — exploitations de bétail à grande échelle désignées à titre d'usage conditionnel

28(1) *Le district d'aménagement du territoire ou la municipalité qui, dans son règlement de zonage, a désigné à titre d'usage conditionnel les exploitations de bétail concernant au moins 300 unités animales doit avoir terminé un examen de la désignation au plus tard un an après l'entrée en vigueur du présent article.*

Mode d'examen

28(2) *À l'occasion de l'examen, la désignation doit faire l'objet d'une évaluation dans le contexte de la politique applicable en matière d'exploitations de bétail et la commission ou le conseil doit tenir une ou plusieurs réunions publiques pour obtenir les commentaires du public au sujet de la désignation.*

Reviews may be combined

28(3) *For certainty, a review under this section may be combined with a periodic review of a development plan under section 59 of **The Planning Act** if that periodic review is completed within one year after the coming into force of this section.*

Examens conjoints

28(3) *Il est entendu que tout examen prévu au présent article peut être joint à l'examen périodique d'un plan de mise en valeur visé à l'article 59 de la **Loi sur l'aménagement du territoire**, dans la mesure où l'examen périodique est terminé au plus tard un an après l'entrée en vigueur du présent article.*

RELATED AMENDMENTS

C.C.S.M. c. E125 amended

29(1) ***The Environment Act** is amended by this section.*

29(2) *The definition "Interdepartmental Planning Board" in subsection 1(2) is repealed.*

29(3) *Clause 10(4)(b) is amended by striking out "file a copy of the proposal with the Interdepartmental Planning Board and".*

29(4) *Subsection 10(5) is amended by striking out "the Interdepartmental Planning Board or other departments" and substituting "a department".*

29(5) *Subsection 11(8) is amended, in clauses (b) and (c), by striking out "Interdepartmental Planning Board and other".*

MODIFICATIONS CONNEXES

*Modification du c. E125 de la **C.P.L.M.***

29(1) *Le présent article modifie la **Loi sur l'environnement**.*

29(2) *La définition de « Conseil interministériel d'aménagement » figurant au paragraphe 1(2) est supprimée.*

29(3) *L'alinéa 10(4)b) est modifié par substitution, à « du projet auprès du Conseil interministériel d'aménagement et une autre copie ou un avis du projet auprès des autres ministères ou organismes », de « ou un avis du projet auprès des ministères ».*

29(4) *Le paragraphe 10(5) est modifié par substitution, à « le Conseil interministériel d'aménagement ou les autres ministères peuvent », de « un ministère peut ».*

29(5) *Le paragraphe 11(8) est modifié :*

a) dans l'alinéa b), par substitution, à « du Conseil interministériel d'aménagement et auprès des autres », de « des »;

b) dans l'alinéa c), par substitution, à « du Conseil interministériel d'aménagement et des autres », de « des ».

29(6) Section 12 is amended, in subsection (4) and the part of subsection (5) before clause (a), by striking out "Interdepartmental Planning Board and other".

29(6) L'article 12 est modifié :

a) dans l'alinéa (4)b), par substitution, à « du Conseil interministériel d'aménagement et auprès des autres », de « des »;

b) dans le passage introductif du paragraphe (5), par substitution, à « le Conseil interministériel d'aménagement et les autres », de « les ».

C.C.S.M. c. M162 amended

30(1) **The Mines and Minerals Act** is amended by this section.

Modification du c. M162 de la **C.P.L.M.**

30(1) Le présent article modifie la **Loi sur les mines et les minéraux**.

30(2) The definition "Interdepartmental Planning Board" in subsection 1(1) is repealed.

30(2) La définition de « Commission interministérielle d'aménagement » figurant au paragraphe 1(1) est supprimée.

30(3) Section 13 is amended by striking out "and after consulting the Interdepartmental Planning Board".

30(3) L'article 13 est modifié par suppression de « , après consultation de la Commission interministérielle d'aménagement, ».

Coming into force: royal assent

31(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.

Entrée en vigueur — sanction

31(1) Sous réserve du paragraphe (2), la présente loi entre en vigueur le jour de sa sanction.

Coming into force: proclamation

31(2) Sections 18, 20 and 25 come into force on a day to be fixed by proclamation.

Entrée en vigueur — proclamation

31(2) Les articles 18, 20 et 25 entrent en vigueur à la date fixée par proclamation.



**THE PLANNING AMENDMENT AND
CITY OF WINNIPEG CHARTER
AMENDMENT ACT**

STATUTES OF MANITOBA 2021

Chapter 36

Bill 37
3rd Session, 42nd Legislature

Assented to May 20, 2021

**LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU
TERRITOIRE ET LA CHARTE DE
LA VILLE DE WINNIPEG**

LOIS DU MANITOBA 2021

Chapitre 36

Projet de loi 37
3^e session, 42^e législature

Date de sanction : 20 mai 2021

EXPLANATORY NOTE

This note was written as a reader's aid to the Bill and is not part of the law.

This Bill amends *The Planning Act* and *The City of Winnipeg Charter* to provide for planning regions and to make local land use decisions subject to appeal to the Municipal Board.

PLANNING REGIONS

The Capital Planning Region is established for the Winnipeg metropolitan area. Other planning regions may be established by regulation.

A planning region must establish a regional planning by-law, which is to guide land use planning on a regional basis. Development plans, secondary plans and zoning by-laws of planning districts and municipalities within a region must be generally consistent with the regional planning by-law.

The composition of the board of a planning region is established by regulation. A board must include at least one representative of each municipality within the region.

LOCAL LAND USE DECISIONS

The Municipal Board is given jurisdiction to hear appeals of land use decisions made by a planning district, municipality or planning commission.

An applicant can also appeal to the Municipal Board if a planning district or municipality fails to deal with their application in a timely manner.

Planning districts and municipalities may require a development agreement for certain development permits. The City of Winnipeg may require a development agreement as a condition of approving a conditional use or variance.

Consequential amendments are made to nine other Acts and *The Capital Region Partnership Act* is repealed.

NOTE EXPLICATIVE

Le projet de loi comportait la note qui suit à titre de complément d'information; elle ne fait pas partie de la loi.

Le présent projet de loi modifie la *Loi sur l'aménagement du territoire* et la *Charte de la ville de Winnipeg* pour prévoir des régions d'aménagement du territoire et permettre que soit interjeté appel, devant la Commission municipale, des décisions portant sur l'usage de biens-fonds à l'échelle locale.

RÉGIONS D'AMÉNAGEMENT DU TERRITOIRE

La région d'aménagement du territoire de la capitale est constituée à l'égard de la région métropolitaine de Winnipeg. D'autres régions d'aménagement du territoire peuvent être créées par règlement.

Toute région d'aménagement du territoire doit prendre un règlement régional d'aménagement du territoire pour guider la planification de l'usage des biens-fonds à l'échelle régionale. Les plans de mise en valeur, les plans secondaires et les règlements de zonage des districts d'aménagement du territoire et des municipalités d'une même région doivent être compatibles, d'une manière générale, avec le règlement régional d'aménagement du territoire.

La composition du conseil des régions d'aménagement du territoire est déterminée par règlement. Le conseil doit comprendre au moins un représentant de chacune des municipalités de la région.

DÉCISIONS EN MATIÈRE D'USAGE DE BIENS-FONDS À L'ÉCHELLE LOCALE

La Commission municipale devient compétente pour entendre les appels des décisions en matière d'usage de biens-fonds qui ont été rendues par des districts d'aménagement du territoire, des municipalités ou des commissions d'aménagement du territoire.

L'auteur d'une demande peut aussi interjeter appel devant la Commission municipale si un district d'aménagement du territoire ou une municipalité omet de trancher sa demande en temps utile.

Les districts d'aménagement du territoire et les municipalités peuvent exiger la conclusion d'une entente d'aménagement avant d'accorder certains permis de mise en valeur. La ville de Winnipeg peut exiger une telle entente avant d'autoriser un usage conditionnel ou une dérogation.

Des modifications corrélatives sont apportées à neuf autres lois et la *Loi sur le Partenariat de la région de la capitale* est abrogée.

CHAPTER 36

THE PLANNING AMENDMENT AND CITY OF WINNIPEG CHARTER AMENDMENT ACT

(Assented to May 20, 2021)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1

THE PLANNING ACT

C.C.S.M. c. P80 amended

1 The Planning Act is amended by this Part.

2(1) Subsection 1(1) is amended

(a) in the definition "designated employee or officer", by adding "planning region," before "planning district"; and

(b) by adding the following definitions:

"planning region" means the following:

(a) the Capital Planning Region;

CHAPITRE 36

LOI MODIFIANT LA LOI SUR L'AMÉNAGEMENT DU TERRITOIRE ET LA CHARTRE DE LA VILLE DE WINNIPEG

(Date de sanction : 20 mai 2021)

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

PARTIE 1

LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

Modification du c. P80 de la C.P.L.M.

1 La présente partie modifie la Loi sur l'aménagement du territoire.

2(1) Le paragraphe 1(1) est modifié :

a) dans la définition d'« employé ou dirigeant désigné », par adjonction, avant « d'un district », de « d'une région d'aménagement du territoire, »;

b) par adjonction des définitions suivantes :

« conseil régional d'aménagement du territoire » Le conseil d'administration d'une région d'aménagement du territoire. ("regional planning board")

(b) any other prescribed planning region.
(« région d'aménagement du territoire »)

"regional planning board" means the board of directors of a planning region. (« conseil régional d'aménagement du territoire »)

"regional planning by-law" means a by-law of a planning region that adopts or amends its regional plan under section 10.4. (« règlement régional d'aménagement du territoire »)

« **région d'aménagement du territoire** » La région d'aménagement du territoire de la capitale ou toute autre région d'aménagement du territoire prévue par règlement. ("planning region")

« **règlement régional d'aménagement du territoire** » Règlement d'une région d'aménagement du territoire qui adopte ou modifie son plan régional en vertu de l'article 10.4. ("regional planning by-law")

2(2) *Subsection 1(3) is repealed.*

2(2) *Le paragraphe 1(3) est abrogé.*

3 *Division 2 of Part 2 is replaced with the following:*

3 *La section 2 de la partie 2 est remplacée par ce qui suit :*

DIVISION 2

SECTION 2

PLANNING REGIONS

RÉGIONS D'AMÉNAGEMENT DU TERRITOIRE

Overview

5 This Division provides for planning regions.

Aperçu

5 La présente section prévoit les régions d'aménagement du territoire.

DEFINITIONS AND APPLICATION

DÉFINITIONS ET APPLICATION

Definition of "regional member municipality"

6 In this Division, **"regional member municipality"** means one or more of the municipalities included in a planning region.

Définition de « municipalité participante régionale »

6 Dans la présente section, « **municipalité participante régionale** » s'entend d'une des municipalités qui font partie d'une région d'aménagement du territoire ou de plusieurs d'entre elles.

City of Winnipeg

7 For certainty, this Division applies to The City of Winnipeg.

Ville de Winnipeg

7 Il demeure entendu que la présente section s'applique à la ville de Winnipeg.

FORMATION OF PLANNING REGION

Capital Planning Region

8(1) The Capital Planning Region is hereby established.

Included municipalities and boundaries

8(2) The Capital Planning Region consists of the territory within the boundaries of the following municipalities:

- (a) the City of Winnipeg and the City of Selkirk;
- (b) the Town of Niverville and the Town of Stonewall;
- (c) the Village of Dunnottar;
- (d) the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché and West St. Paul.

Regional member municipalities may be changed

8(3) Despite subsection (2), the municipalities of the Capital Planning Region may be varied by the minister by regulation.

Minister may establish planning region

9(1) The minister may, by regulation, establish a planning region for any other region of the province

- (a) to enhance economic and social development of the region; and
- (b) to improve sustainable land use planning and coordination of planning within the region and across the province.

CONSTITUTION DE LA RÉGION D'AMÉNAGEMENT DU TERRITOIRE

Région d'aménagement du territoire de la capitale

8(1) Est constituée la région d'aménagement du territoire de la capitale.

Limites de la région d'aménagement du territoire de la capitale

8(2) La région d'aménagement du territoire de la capitale est composée du territoire compris dans les limites des municipalités suivantes :

- a) la ville de Winnipeg et la ville de Selkirk;
- b) la ville de Niverville et la ville de Stonewall;
- c) le village de Dunnottar;
- d) les municipalités rurales de Cartier, d'East St. Paul, de Headingley, de Macdonald, de Ritchot, de Rockwood, de Rosser, de Springfield, de St. Andrews, de St. Clements, de Saint-François-Xavier, de Taché et de West St. Paul.

Modification aux municipalités participantes régionales

8(3) Malgré le paragraphe (2), le ministre peut, par règlement, apporter des modifications à la liste des municipalités qui composent la région d'aménagement du territoire de la capitale.

Constitution des régions d'aménagement du territoire par le ministre

9(1) Le ministre peut, par règlement, constituer une région d'aménagement du territoire à l'égard de toute autre région de la province pour :

- a) favoriser le développement économique et social de la région;
- b) améliorer la planification durable de l'usage des biens-fonds et la coordination de l'aménagement du territoire dans cette région et dans l'ensemble de la province.

Considerations and consultations when forming planning region

9(2) In determining whether to establish a planning region, the minister must

- (a) have regard for
 - (i) the economic and social integration of the region, and
 - (ii) the need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of the region; and
- (b) consult with the council of each municipality proposed to be included in the planning region.

Contiguous municipalities

9(3) The municipalities to be included in the planning region must be contiguous.

Name and boundaries

9(4) A planning region regulation must include the name of the region and establish its boundaries.

Referral of proposal to Municipal Board

10(1) The minister may refer to the Municipal Board a proposal concerning the establishment of a planning region that the minister or two or more municipalities have prepared.

Content of proposal

10(2) A proposal must set out

- (a) the municipalities that are to be included in the region;
- (b) the boundaries of the proposed region; and
- (c) the reasons why the proposal meets the criteria under subsection 9(1).

Constitution d'une région d'aménagement du territoire — éléments à considérer et consultations

9(2) Lorsqu'il détermine s'il y a lieu de constituer une région d'aménagement du territoire, le ministre :

- a) tient compte des éléments suivants :
 - (i) l'intégration économique et sociale de la région,
 - (ii) la nécessité d'inclure au moins une zone dont la densité de population, les infrastructures et les services sont suffisants pour qu'elle constitue le centre de la région;
- b) consulte le conseil de chaque municipalité dont l'inclusion dans la région d'aménagement du territoire est proposée.

Municipalités contiguës

9(3) Les municipalités incluses dans la région d'aménagement du territoire sont contiguës.

Nom et limites

9(4) Tout règlement d'une région d'aménagement du territoire doit indiquer le nom de la région et ses limites.

Renvoi à la Commission municipale

10(1) Le ministre peut renvoyer à la Commission municipale une proposition portant sur la constitution d'une région d'aménagement du territoire préparée par lui-même ou par plus d'une municipalité.

Contenu de la proposition

10(2) La proposition indique :

- a) les municipalités devant être incluses dans la région;
- b) les limites de la région proposée;
- c) les raisons pour lesquelles la proposition satisfait aux critères prévus au paragraphe 9(1).

Consultation and hearing

10(3) After a proposal has been referred, the Municipal Board must

- (a) hold public hearings in at least two locations in the region to receive representations on the proposed planning region; and
- (b) give public notice of the hearings in accordance with section 168.

Recommendation to minister

10(4) After the hearings are held, the Municipal Board must make a recommendation to the minister on the proposal.

Consultation et audience

10(3) Après qu'une proposition lui a été renvoyée, la Commission municipale tient des audiences publiques à au moins deux endroits de la région pour recevoir des observations au sujet de la région d'aménagement du territoire proposée et donne un avis public de l'audience en conformité avec l'article 168.

Recommandation au ministre

10(4) Après la tenue des audiences, la Commission municipale présente au ministre une recommandation concernant la proposition.

MANDATE

Mandate of a planning region

10.1(1) The mandate of a planning region is to enhance economic and social development by improving and coordinating sustainable land use and development in the region through

- (a) adopting a regional plan;
- (b) facilitating and promoting regional considerations in providing infrastructure and services;
- (c) leading the development of regional responses to the planning issues of its regional member municipalities; and
- (d) identifying and promoting opportunities for the regional member municipalities to cooperate in the cost-effective development of infrastructure and the provision of services on a regional basis.

MANDAT

Mandat de la région d'aménagement du territoire

10.1(1) La région d'aménagement du territoire a pour mandat de favoriser le développement économique et social en améliorant et en coordonnant un usage et une mise en valeur durables des biens-fonds dans la région au moyen des mesures suivantes :

- a) l'adoption d'un plan régional;
- b) la promotion des considérations régionales dans l'offre de l'infrastructure et des services et l'ouverture à leur égard;
- c) la direction de l'élaboration de solutions régionales aux problèmes d'aménagement du territoire de ses municipalités participantes régionales;
- d) à l'égard des municipalités participantes régionales, l'identification et la promotion de possibilités de collaborer à un développement rentable des infrastructures et à l'offre de services à l'échelle régionale.

Related activities

10.1(2) In carrying out its mandate, a planning region may, with the agreement of a regional member municipality, do the following:

- (a) administer and enforce the development plan by-law of the municipality;
- (b) administer and enforce
 - (i) any secondary plan by-law of the municipality,
 - (ii) the zoning by-law of the municipality,
 - (iii) the building by-laws of the municipality, or
 - (iv) the by-laws of the municipality dealing with minimum standards of maintenance and occupancy of buildings.

Planning region powers

10.2(1) For the purpose of carrying out its mandate, a planning region has the capacity and powers of a natural person.

General powers

10.2(2) Subject to any restrictions specified in the regulations, a planning region may

- (a) for the purpose of implementing its regional plan, acquire and hold any interest in real property;
- (b) acquire and hold personal property;
- (c) sell, mortgage, lease or otherwise deal with or dispose of any interest in real or personal property;
- (d) receive, expend, loan and invest money;
- (e) borrow money and give security for the repayment of money borrowed; and
- (f) exercise any other powers that are necessary to carry out its mandate.

Activités connexes

10.1(2) Dans l'accomplissement de son mandat, la région d'aménagement du territoire peut, avec le consentement de la municipalité participante régionale, prendre les mesures suivantes :

- a) appliquer et exécuter le règlement portant sur le plan de mise en valeur de la municipalité;
- b) appliquer et exécuter :
 - (i) tout règlement portant sur un plan secondaire de la municipalité,
 - (ii) le règlement de zonage de la municipalité,
 - (iii) les règlements de construction de la municipalité,
 - (iv) les règlements de la municipalité en ce qui a trait aux normes minimales d'entretien et d'occupation des bâtiments.

Pouvoirs de la région d'aménagement du territoire

10.2(1) La région d'aménagement du territoire a la capacité et les pouvoirs d'une personne physique dans l'accomplissement de son mandat.

Pouvoirs généraux

10.2(2) Sous réserve des restrictions réglementaires, la région d'aménagement du territoire peut :

- a) acquérir et détenir des intérêts dans des biens réels afin de mettre en œuvre son plan régional;
- b) acquérir et détenir des biens personnels;
- c) vendre, hypothéquer, louer des intérêts dans des biens réels ou personnels ou prendre des mesures à leur égard ou les aliéner;
- d) recevoir, dépenser, prêter et investir de l'argent;
- e) emprunter de l'argent et en garantir le remboursement;
- f) exercer les autres pouvoirs nécessaires à l'accomplissement de son mandat.

Real property may be acquired by expropriation

10.2(3) The acquisition of real property under clause (2)(a) may be by expropriation.

Agreements

10.2(4) Without limitation, a planning region may enter into an agreement with a person or organization respecting development of land within the region.

Biens réels acquis par expropriation

10.2(3) L'acquisition de biens réels visée à l'alinéa (2)a) peut être effectuée par expropriation.

Ententes

10.2(4) Toute région d'aménagement du territoire peut conclure une entente avec une personne ou une organisation en vue de la mise en valeur de biens-fonds dans la région.

REGIONAL PLANS

Regional planning by-law

10.3(1) A regional planning board must prepare and adopt a regional plan within two years after the date the planning region is established.

Requirements for regional plan

10.3(2) A regional plan must contain plans and policies respecting

- (a) the physical, social, environmental, economic and fiscal objectives for the region for at least a 30-year time span;
- (b) sustainable land use and development in the region, having regard to the need
 - (i) for major commercial and industrial development,
 - (ii) to protect agricultural land and agricultural operations,
 - (iii) for residential development and housing,
 - (iv) for regional parks and other regional recreational opportunities,
 - (v) to protect against flooding, other hazards and nuisances, and

PLANS RÉGIONAUX

Règlement régional d'aménagement du territoire

10.3(1) Le conseil régional d'aménagement du territoire prépare et adopte un plan régional dans les deux années qui suivent la date de constitution de la région d'aménagement du territoire.

Exigences relatives au plan régional

10.3(2) Le plan régional comporte des plans et des politiques concernant :

- a) les objectifs sur le plan physique, social, environnemental, économique et financier à l'égard de la région pour une période d'au moins 30 ans;
- b) l'usage durable et la mise en valeur des biens-fonds dans la région, en tenant compte des besoins suivants :
 - (i) les mises en valeur commerciales et industrielles importantes,
 - (ii) la protection des terres agricoles et des exploitations agricoles,
 - (iii) les mises en valeur résidentielles et le logement,
 - (iv) les parcs régionaux et les autres possibilités récréatives régionales,
 - (v) la protection contre les inondations et les autres dangers et nuisances,

- (vi) to respond to the effects of climate change;
- (c) the provision of infrastructure, services and facilities within the region, including drinking water, wastewater, storm water, drainage, solid waste, recycling, transportation, transit and emergency services;
- (d) the protection, management and enhancement of the environment within the region, including its water sources, water quality and quantity, sensitive and natural lands, renewable resources, mineral resources and areas of natural, rare or historic significance;
- (e) the coordination of planning and development by regional member municipalities;
- (f) measures for implementing the plan; and
- (g) any other prescribed matter.

(vi) la réaction aux effets des changements climatiques;

- c) l'offre d'infrastructures, de services et d'installations dans la région, y compris les services d'approvisionnement en eau potable, de gestion des eaux usées, de traitement des eaux d'orage, de drainage, de gestion des déchets solides, de recyclage, de transport, de transport en commun et d'urgence;
- d) la protection, la gestion et l'amélioration de l'environnement dans la région, y compris ses sources d'eau, la quantité et la qualité de l'eau, ses biens-fonds sensibles, ses terres naturelles, ses sources d'énergies renouvelables, ses ressources minières et ses zones qui ont une importance naturelle, rare ou historique;
- e) la coordination par les municipalités participantes régionales de l'aménagement et de la mise en valeur du territoire;
- f) les mesures nécessaires à la mise en œuvre du plan;
- g) toute autre question désignée par règlement.

Maps and statement of objectives

10.3(3) A regional plan must include maps and statements of objectives to provide direction concerning the plans and policies contained in the regional plan.

Cartes et énoncés des objectifs

10.3(3) Le plan régional comporte des cartes et des énoncés d'objectifs qui servent de directives à l'égard des plans et politiques qu'il contient.

Consistency with provincial land use policies

10.3(4) A regional plan must be generally consistent with provincial land use policies.

Conformité aux politiques provinciales d'usage de biens-fonds

10.3(4) De manière générale, le plan régional doit être conforme aux politiques provinciales d'usage de biens-fonds.

Process for adopting and amending regional plans

10.4(1) A planning region must adopt, and make any amendments to, its regional plan by by-law in accordance with the regulations and the procedures of the planning region.

Processus d'adoption et de modification des plans régionaux

10.4(1) La région d'aménagement du territoire adopte son plan régional et le modifie, par règlement, en conformité avec ses procédures et les règlements de la province.

Process to be based on development plans of planning districts

10.4(2) The process for adopting or amending a regional planning by-law must be generally consistent with the process that applies in respect of a planning district adopting or amending its development plan by-law.

Ministerial approval

10.4(3) A regional planning by-law is subject to the approval of the minister.

Initiating amendments to a regional planning by-law

10.4(4) In accordance with the regulations, the minister, a planning region or a regional member municipality may initiate an amendment to a regional planning by-law.

Regional plan not subject to appeal

10.4(5) Once adopted, a regional planning by-law is binding on all persons and is not subject to appeal.

Compliance with plans

10.4(6) The adoption of a regional planning by-law does not require the regional planning board, the council of a regional member municipality or any other person or government agency or department to undertake a proposal contained in the by-law.

Review

10.5 A regional planning board must review its regional planning by-law at the times and in the manner set out in the regulations.

Processus fondé sur les plans de mise en valeur des districts d'aménagement du territoire

10.4(2) De manière générale, le processus d'adoption ou de modification des règlements régionaux d'aménagement du territoire doit être conforme au processus qui s'applique au district d'aménagement du territoire qui adopte ou modifie son règlement portant sur un plan de mise en valeur.

Approbation du ministre

10.4(3) Il demeure entendu que le règlement régional d'aménagement du territoire est assujéti à l'approbation du ministre.

Propositions de modifications à un règlement régional d'aménagement du territoire

10.4(4) Le ministre, les régions d'aménagement du territoire et les municipalités participantes régionales peuvent, conformément aux règlements, proposer des modifications aux règlements régionaux d'aménagement du territoire.

Règlement non susceptible d'appel

10.4(5) Une fois adopté, le règlement régional d'aménagement du territoire est sans appel et lie toutes les parties.

Conformité aux plans

10.4(6) L'adoption d'un règlement régional d'aménagement du territoire n'a pas pour effet d'obliger le conseil régional d'aménagement du territoire, le conseil d'une municipalité participante régionale ou toute autre personne, tout autre organisme gouvernemental ou tout autre ministère à réaliser une proposition prévue par le règlement.

Examen

10.5 Le conseil régional d'aménagement du territoire examine son règlement régional d'aménagement du territoire aux moments et de la manière qu'indiquent les règlements de la province.

Preparation and review of regional plan

10.6 A regional planning board must employ the services of an individual who is a registered professional planner, as defined in *The Registered Professional Planners Act*, when preparing and reviewing its regional planning by-law.

Orders of minister re regional plans

10.7(1) After consulting with a planning region, the minister may order it to adopt or amend its regional planning by-law within a time specified in the order.

Minister may order, amend or replace plan by-law

10.7(2) The minister may prepare a regional planning by-law or an amendment to the by-law if the planning region

- (a) fails to comply with an order under subsection (1); or
- (b) fails to conduct a review of its regional plan as required under the regulations.

Referral to Municipal Board

10.7(3) The minister may refer to the Municipal Board a regional planning by-law or an amendment to the by-law that the minister has prepared.

Consultation and hearing

10.7(4) After a by-law or an amendment to a by-law has been referred, the Municipal Board must

- (a) hold a public hearing to receive representations on the by-law or amendment; and
- (b) give notice of the hearing in accordance with section 168.

Recommendation to minister

10.7(5) After holding the hearing, the Municipal Board must make a recommendation to the minister on the matter referred.

Préparation et examen du règlement régional d'aménagement du territoire

10.6 Le conseil régional d'aménagement du territoire retient les services d'un particulier qui est urbaniste professionnel au sens de la *Loi sur les urbanistes professionnels* lorsqu'il prépare et examine son règlement régional d'aménagement du territoire.

Arrêtés du ministre — règlement régional d'aménagement du territoire

10.7(1) Après avoir consulté une région d'aménagement du territoire, le ministre peut, par arrêté, lui ordonner d'adopter ou de modifier son règlement régional d'aménagement du territoire dans le délai précisé dans l'arrêté.

Modification ou remplacement du règlement par le ministre

10.7(2) Le ministre peut préparer un règlement régional d'aménagement du territoire ou modifier un tel règlement si la région d'aménagement du territoire omet de se conformer à un arrêté pris en vertu du paragraphe (1) ou omet d'effectuer un examen de son plan régional en conformité avec les règlements de la province.

Renvoi à la Commission municipale

10.7(3) Le ministre peut renvoyer à la Commission municipale tout règlement régional d'aménagement du territoire ou toute modification d'un tel règlement qu'il a préparé.

Consultation et audience

10.7(4) Après qu'un règlement ou qu'une modification à un règlement lui a été renvoyé, la Commission municipale tient une audience publique pour recevoir des observations à ce sujet et donne avis de l'audience en conformité avec l'article 168.

Recommandation au ministre

10.7(5) Après avoir tenu l'audience, la Commission municipale présente au ministre une recommandation concernant la question dont il est saisi.

LG in C may order adoption

10.7(6) On recommendation of the minister, the Lieutenant Governor in Council may, by order,

- (a) adopt the regional planning by-law for a planning region; or
- (b) adopt an amendment to the regional planning by-law for a planning region.

Effect of order

10.7(7) An order made under subsection (6) has the effect of enacting the regional planning by-law for a planning region or amending the existing regional planning by-law as if it were enacted or amended by the planning region.

Effect of regional plan

10.8(1) A regional member municipality must ensure that the following are not inconsistent with the regional planning by-law for its region:

- (a) its development plan by-law;
- (b) any secondary plan by-law it has adopted;
- (c) its zoning by-law;
- (d) in the case of a regional member municipality of the Capital Planning Region, its drinking water and wastewater management plan prepared under section 62.2.

Three-year transition for by-laws

10.8(2) Within three years after its planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws to ensure that they are not inconsistent with the applicable regional planning by-law.

Adoption par le lieutenant-gouverneur en conseil

10.7(6) Sur la recommandation du ministre, le lieutenant-gouverneur en conseil peut, par décret, adopter le règlement régional d'aménagement du territoire visant une région d'aménagement du territoire ou toute modification apportée à ce règlement.

Effet du décret

10.7(7) Le décret pris en application du paragraphe (6) a pour effet d'édicter le règlement régional d'aménagement du territoire visant une région d'aménagement du territoire ou de modifier celui qui existe déjà comme s'il était édicté ou modifié par la région d'aménagement du territoire.

Effet du plan régional

10.8(1) Toute municipalité participante régionale veille à ce que les éléments mentionnés ci-dessous soient compatibles avec le règlement régional d'aménagement du territoire de sa région :

- a) le règlement portant sur son plan de mise en valeur;
- b) tout règlement portant sur un plan secondaire qu'elle a adopté;
- c) son règlement de zonage;
- d) son plan d'approvisionnement en eau potable et de gestion des eaux usées élaboré en application de l'article 62.2, si la municipalité participante régionale est rattachée à la région d'aménagement du territoire de la capitale.

Période de transition de trois ans

10.8(2) Dans les trois ans qui suivent la prise d'un règlement régional d'aménagement du territoire par sa région d'aménagement du territoire, chaque municipalité participante régionale examine ses règlements pour s'assurer qu'ils sont compatibles avec le règlement régional d'aménagement du territoire applicable.

Exception for bringing plans into alignment

10.8(3) Section 58 (exception for minor amendments) applies, with necessary changes, in respect of an amendment to a development plan by-law that is made to ensure that it is not inconsistent with a regional planning by-law.

Limitation on regional member municipalities

10.9(1) The council of a regional member municipality must not

- (a) give third reading to a development plan by-law, secondary plan by-law or zoning by-law that is inconsistent with a regional planning by-law; or
- (b) approve or give conditional approval to a subdivision or other development that is inconsistent with a regional plan.

Regional planning by-law is effective immediately

10.9(2) On or after the day the planning region adopts its regional planning by-law, any application that has been made to or is pending before a designated employee or officer, a board, a council or a planning commission, but not finally disposed of, before the day the by-law comes into force is subject to subsection (1).

Regional planning board may require compliance

10.10(1) If a regional planning board determines that a regional member municipality is proposing to take, or has taken, an action described in clause 10.9(1)(a) or (b) that conflicts or is inconsistent with a regional planning by-law, the regional planning board may, by written notice to the municipality, require the municipality to stop the action within the time set out in the notice.

Exception — conformité

10.8(3) L'article 58 s'applique, avec les adaptations nécessaires, aux modifications apportées à un règlement portant sur un plan de mise en valeur pour qu'il soit compatible avec le règlement régional d'aménagement du territoire.

Restrictions applicables aux municipalités participantes régionales

10.9(1) Le conseil d'une municipalité participante régionale ne peut :

- a) adopter en troisième lecture un règlement portant sur un plan de mise en valeur, un règlement portant sur un plan secondaire ou un règlement de zonage qui est incompatible avec le règlement régional d'aménagement du territoire;
- b) approuver ou approuver conditionnellement un lotissement ou toute autre mise en valeur qui est incompatible avec un plan régional.

Prise d'effet immédiate du règlement régional d'aménagement du territoire

10.9(2) À compter de la date de l'adoption par toute région d'aménagement du territoire de son règlement régional d'aménagement du territoire, toute demande ayant été présentée à un employé ou dirigeant désigné, à une commission, à un conseil ou à une commission d'aménagement du territoire, ou étant en cours devant eux et n'ayant pas encore fait l'objet d'une décision définitive, avant l'entrée en vigueur du règlement est assujettie au paragraphe (1).

Observation

10.10(1) S'il détermine qu'une municipalité participante régionale propose de prendre ou a pris une mesure énoncée à l'alinéa 10.9(1)a) ou b) qui est incompatible avec un règlement régional d'aménagement du territoire, le conseil régional d'aménagement du territoire peut, par avis écrit à la municipalité, lui demander de mettre fin à cette mesure dans le délai précisé dans l'avis.

Injunction or other order

10.10(2) If a regional member municipality fails or refuses to comply with a notice under subsection (1), the regional planning board may apply to the Court of Queen's Bench for an injunction or other order.

Decision of the Court

10.10(3) The Court of Queen's Bench may grant or refuse the injunction or other order or may make any order that in the opinion of the Court is just in the circumstances.

Injonction ou autre ordonnance

10.10(2) Le conseil régional d'aménagement du territoire peut présenter une demande à la Cour du Banc de la Reine en vue d'obtenir une injonction ou toute autre ordonnance si une municipalité participante régionale omet ou refuse de se conformer à un avis donné en vertu du paragraphe (1).

Décision du tribunal

10.10(3) La Cour du Banc de la Reine peut accorder ou refuser d'accorder l'injonction ou l'ordonnance, ou rendre toute autre ordonnance qu'elle estime juste dans les circonstances.

ADMINISTRATIVE MATTERS

Planning region is a corporation

10.11(1) A planning region is a corporation without share capital consisting of the members of its board of directors from time to time.

Application of Corporations Act

10.11(2) Subject to the regulations, *The Corporations Act* does not apply to a planning region.

Board of directors

10.12 The regional planning board is responsible for managing, or supervising the management of, the business and affairs of the planning region in accordance with its mandate.

Composition of board

10.13(1) The composition of a regional planning board is to be determined by regulation and is to include at least one director from each of the regional member municipalities.

QUESTIONS ADMINISTRATIVES

Statut de corporation

10.11(1) Les régions d'aménagement du territoire sont des corporations sans capital-actions composées des membres de leur conseil d'administration.

Non-application de la *Loi sur les corporations*

10.11(2) Sous réserve des règlements, la *Loi sur les corporations* ne s'applique pas aux régions d'aménagement du territoire.

Conseil d'administration

10.12 Le conseil régional d'aménagement du territoire est responsable de la gestion ou de la surveillance de la gestion des activités et des affaires de la région d'aménagement du territoire en conformité avec son mandat.

Composition du conseil d'administration

10.13(1) La composition d'un conseil régional d'aménagement du territoire est déterminée par règlement. Un tel conseil comprend au moins un administrateur de chacune des municipalités participantes régionales.

Appointments continue

10.13(2) A director continues to hold office until they are re-appointed, the appointment is revoked or their successor is appointed.

Maintien en poste

10.13(2) Les administrateurs occupent leur poste jusqu'à ce que leur mandat soit renouvelé, que leur nomination soit révoquée ou que leurs successeurs soient nommés.

Vacancy does not impair board's powers

10.13(3) A vacancy in the membership of a regional planning board does not impair the capacity of the remaining members of the board to act.

Vacances au conseil

10.13(3) Le conseil régional d'aménagement du territoire demeure apte à exercer ses activités, et ce, même s'il existe des vacances en son sein.

FINANCIAL MATTERS

QUESTIONS FINANCIÈRES

Financial contributions

10.14(1) The regional member municipalities must agree on the amount or proportion of funding that each member municipality is to contribute to meet the expenses of the planning region.

Apport financier

10.14(1) Les municipalités participantes régionales doivent s'entendre sur la proportion des fonds que chaque municipalité participante doit verser afin de couvrir les dépenses de la région d'aménagement du territoire.

If no agreement

10.14(2) The minister must prescribe the amount or proportion of funding that each member municipality must contribute to meet the expenses of the planning region if an agreement under subsection (1) is not reached within the time specified by the minister.

Absence d'entente

10.14(2) Si aucune entente n'est conclue malgré le paragraphe (1) dans le délai que fixe le ministre, celui-ci prescrit la somme ou la proportion des fonds que chaque municipalité participante doit verser afin de couvrir les dépenses de la région d'aménagement du territoire.

Annual budget for operations

10.15(1) A regional planning board must prepare an annual budget with respect to its operations and submit a copy of its budget to each regional member municipality and the minister.

Budget annuel — activités

10.15(1) Le conseil régional d'aménagement du territoire prépare un budget annuel relativement à ses activités et il en présente une copie à chaque municipalité participante régionale et au ministre.

Fiscal year

10.15(2) The fiscal year of a planning region is the calendar year.

Exercice

10.15(2) L'exercice de toute région d'aménagement du territoire correspond à l'année civile.

Financial records and systems

10.16(1) A planning region must establish financial management and information systems to enable it to prepare financial statements in accordance with generally accepted accounting principles as set out in the *CPA Canada Standards and Guidance Collection* (CPA Canada Handbooks) published by Chartered Professional Accountants of Canada.

Auditor

10.16(2) The regional planning board must appoint an independent auditor to audit the records, accounts and financial transactions of the planning region each year.

Records to be publicly available

10.16(3) The regional planning board must make its annual budget and annual audit available by publishing them on a publicly accessible website.

Annual report

10.17 A regional planning board must prepare an annual report on its operations within six months after the end of each fiscal year, and must provide a copy of the annual report to each regional member municipality and the minister.

BY-LAWS

By-laws — administrative matters

10.18(1) A regional planning board must make by-laws

- (a) respecting procedures of the board and the conduct of its affairs, including
 - (i) the calling of meetings, including notice of meetings,
 - (ii) the conduct of meetings and hearings, including rules of procedure, and

Registres et systèmes financiers

10.16(1) La région d'aménagement du territoire met sur pied des systèmes de gestion financière et d'information lui permettant d'établir ses états financiers conformément aux principes comptables généralement reconnus qui sont énoncés dans le *Manuel de CPA Canada* de la collection « Normes et recommandations » publiée par les Comptables professionnels agréés du Canada.

Auditeur

10.16(2) Le conseil régional d'aménagement du territoire nomme un auditeur indépendant afin qu'il audite les registres, les comptes et les opérations financières de la région d'aménagement du territoire chaque année.

Publication des registres

10.16(3) Le conseil régional d'aménagement du territoire rend son budget et son audit annuels publics en les publiant sur un site Web accessible au public.

Rapport annuel

10.17 Dans les six mois qui suivent la fin de chaque exercice, le conseil régional d'aménagement du territoire prépare un rapport annuel de ses activités et en fournit une copie à chacune des municipalités participantes régionales et au ministre.

RÈGLEMENTS ADMINISTRATIFS

Règlements — questions administratives

10.18(1) Le conseil régional d'aménagement du territoire doit, par règlement :

- a) prendre des mesures concernant sa procédure et la conduite de ses affaires, notamment :
 - (i) la convocation aux réunions, notamment les avis de convocation,
 - (ii) la tenue des réunions et des audiences, notamment les règles de procédure,

(iii) the keeping of minutes and the recording of by-laws;

(b) establishing a code of conduct and a conflict of interest policy for the directors, officers and employees of the planning region.

By-laws — additional matters

10.18(2) The regional planning board may make by-laws

- (a) establishing fees and charges for services it provides;
- (b) providing for the remuneration of directors;
- (c) providing for the indemnification of its directors and officers;
- (d) respecting any other matter the board considers advisable for the convenient and efficient carrying out of the mandate of the planning region.

By-laws inconsistent with Acts

10.18(3) A by-law of a planning region that is inconsistent with an enactment in force in the province is of no effect to the extent of the inconsistency.

AMENDMENT OR DISSOLUTION OF PLANNING REGION BOUNDARIES

Dissolving or amending boundaries

10.19(1) The minister may, by regulation,

- (a) change the boundaries of a planning region so that a municipality becomes or is no longer a regional member municipality; or
- (b) dissolve a planning region.

(iii) la tenue des procès-verbaux et l'enregistrement des règlements;

b) établir un code de conduite et une politique en matière de conflits d'intérêts à l'intention des administrateurs, des dirigeants et des employés de la région d'aménagement du territoire.

Règlements — questions supplémentaires

10.18(2) Le conseil régional d'aménagement du territoire peut, par règlement :

- a) établir les droits et frais qui doivent être payés pour les services qu'il fournit;
- b) prévoir la rémunération de ses administrateurs et dirigeants;
- c) prévoir l'indemnisation de ses administrateurs et dirigeants;
- d) prendre toute autre mesure qu'il estime utile à la réalisation pratique et efficace du mandat de la région d'aménagement du territoire.

Incompatibilité

10.18(3) Les dispositions d'un texte législatif en vigueur dans la province l'emportent sur les dispositions incompatibles des règlements d'une région d'aménagement du territoire.

MODIFICATION OU DISSOLUTION DES LIMITES DES RÉGIONS D'AMÉNAGEMENT DU TERRITOIRE

Dissolution ou modification des limites

10.19(1) Le ministre peut, par règlement :

- a) modifier les limites d'une région d'aménagement du territoire pour faire en sorte qu'une municipalité devienne une municipalité participante régionale ou qu'elle cesse de l'être;
- b) dissoudre une région d'aménagement du territoire.

Distribution of assets and liabilities

10.19(2) If the minister dissolves a planning region or changes the boundaries of a planning region to allow a regional member municipality to withdraw from the planning region, the minister may, after consulting with the regional planning board and regional member municipalities, also determine the manner in which the assets and liabilities of the planning region are to be distributed or allocated.

Distribution de l'actif et du passif

10.19(2) Si le ministre dissout une région d'aménagement du territoire ou en modifie les limites pour permettre à une municipalité participante régionale de se retirer de cette région, il peut aussi, après avoir consulté le conseil régional d'aménagement du territoire et les municipalités participantes régionales, déterminer la manière dont l'actif et le passif de cette région doivent être distribués ou répartis.

ROLE OF PLANNING DISTRICTS

RÔLE DES DISTRICTS D'AMÉNAGEMENT DU TERRITOIRE

Application

10.20(1) This section applies to a planning district if a municipality that is a member of the planning district is also a regional member municipality.

Application

10.20(1) Le présent article s'applique à un district d'aménagement du territoire si une municipalité qui en fait partie est également une municipalité participante régionale.

Effect of regional plan

10.20(2) A planning district must ensure that the following are not inconsistent with the regional planning by-law that applies in respect of the regional member municipality:

- (a) its development plan by-law;
- (b) any secondary plan by-law it has adopted;
- (c) the district's own zoning by-law, if it has adopted a district-wide zoning by-law under section 69;
- (d) in the case of a planning district that includes one or more regional member municipalities of the Capital Planning Region, its drinking water and wastewater management plan prepared under section 62.2.

Subsections 10.8(2) and (3) and sections 10.9 and 10.10 apply, with necessary changes, to the planning district.

Effet du plan régional

10.20(2) Tout district d'aménagement du territoire veille à ce que les éléments qui suivent ne soient pas incompatibles avec le règlement régional d'aménagement du territoire qui s'applique à la municipalité participante régionale :

- a) son règlement portant sur un plan de mise en valeur;
- b) tout règlement qu'il a pris et qui porte sur un plan secondaire;
- c) son règlement de zonage, s'il a pris un tel règlement à l'échelle du district en vertu de l'article 69;
- d) dans le cas d'un district d'aménagement du territoire qui comprend une ou plusieurs municipalités participantes régionales de la région d'aménagement du territoire de la capitale, ses plans d'approvisionnement en eau potable et en gestion des eaux usées préparés en application de l'article 62.2.

Les paragraphes 10.8(2) et (3) ainsi que les articles 10.9 et 10.10 s'appliquent, avec les adaptations nécessaires, au district d'aménagement du territoire.

Administration and enforcement of by-laws

10.20(3) A planning region and a planning district may enter into an agreement for the planning region to perform the planning district's role in administering and enforcing

- (a) the development plan by-law for the entire district under clause 14(a); or
- (b) the by-laws referenced in clause 14(b).

Costs

10.20(4) Any costs incurred by the planning region in respect of an agreement under subsection (3) must be paid by the planning district and are not to be included in the amounts determined under subsection 10.15(1).

Amendments to a regional plan

10.20(5) In addition to those persons or entities referenced in subsection 10.4(4), a planning district may initiate an amendment to an applicable regional plan.

Application et exécution des règlements

10.20(3) Une région d'aménagement du territoire et un district d'aménagement du territoire peuvent conclure une entente afin que la région exerce les fonctions du district à l'égard de l'application et de l'exécution :

- a) soit du règlement portant sur un plan de mise en valeur pour l'ensemble du district en vertu de l'alinéa 14)a);
- b) soit des règlements visés à l'alinéa 14)b).

Frais

10.20(4) Les frais que la région d'aménagement du territoire engage à l'égard de l'entente visée au paragraphe (3) sont payés par le district d'aménagement du territoire et ne sont pas inclus dans le calcul des sommes visées au paragraphe 10.15(1).

Modification du plan régional

10.20(5) En plus des personnes et des entités visées au paragraphe 10.4(4), le district d'aménagement du territoire peut proposer des modifications à tout plan régional applicable.

REGULATIONS

Regulations

10.21(1) The minister may make regulations

- (a) prescribing the number, or the method of determining the number, of members to be appointed to a regional planning board, the manner in which they may be appointed and any eligibility criteria and qualifications to be met by them;
- (b) prescribing the time and manner in which vacancies on a regional planning board are to be filled;

RÈGLEMENTS

Règlements

10.21(1) Le ministre peut, par règlement :

- a) prévoir le nombre, ou la méthode de détermination du nombre, de membres qui devront être nommés aux conseils régionaux d'aménagement du territoire ainsi que le mode de nomination, les critères d'admissibilité auxquels ils doivent répondre et les compétences qu'ils doivent posséder;
- b) prévoir le délai et le mode de dotation en personnel au sein des conseils régionaux d'aménagement du territoire;

(c) prescribing term limits for members of a regional planning board;

(d) specifying the member who is to serve as the chair or the vice-chair of a regional planning board, or the manner in which the chair or vice-chair may be determined;

(e) establishing the voting structure for the planning region, including providing that the votes of the respective regional member municipalities be weighted in approximate proportion to their relative populations, land values, degree of development activities or any other factor considered relevant by the minister;

(f) prescribing quorum for the purpose of a regional planning board;

(g) prescribing matters that must be addressed in a regional planning by-law;

(h) prescribing the time and manner in which the regional planning board is to review its regional planning by-law;

(i) respecting the process to be followed by the regional planning board in adopting, reviewing or repealing its regional planning by-law;

(j) respecting the making of applications to amend a regional planning by-law, including the process to be followed in considering applications and approving, refusing or rejecting applications;

(k) respecting appeals of decisions made in respect of the matters described in clause (i) or (j), including designating the Municipal Board or another entity to hear and decide the appeal;

(l) respecting the form and manner in which an appeal must be made, the time within which an appeal must be made and the consequences of not making an appeal in accordance with the regulations;

(m) respecting procedures and notice requirements for the hearing of appeals and other matters if a planning region enters into an agreement under subsection 10.1(2) or 10.20(3);

c) prévoir la durée maximale des mandats des membres qui siègent aux conseils régionaux d'aménagement du territoire;

d) préciser le membre qui agira à titre de président ou de vice-président d'un conseil régional d'aménagement du territoire ou son mode de désignation;

e) revoir la structure électorale de la région d'aménagement du territoire, notamment la pondération des votes des municipalités participantes régionales respectives selon la proportion approximative de leurs populations relatives, des valeurs relatives de leurs biens-fonds et du nombre relatif de leurs activités de mise en valeur ou selon tout autre facteur que le ministre juge pertinent;

f) prévoir le quorum des conseils régionaux d'aménagement du territoire;

g) prévoir les sujets devant être traités dans un règlement régional d'aménagement du territoire;

h) prévoir le mode et le délai d'examen, par le conseil régional d'aménagement du territoire, de son règlement régional d'aménagement du territoire;

i) établir la procédure à suivre par le conseil régional d'aménagement du territoire pour la prise, l'examen ou l'abrogation de son règlement régional d'aménagement du territoire;

j) régir les demandes visant la modification de règlements régionaux d'aménagement du territoire, notamment en précisant la procédure à suivre pour l'étude, l'acceptation ou le refus de telles demandes;

k) régir les appels portant sur les décisions prises à l'égard des éléments visés aux alinéas i) et j), notamment en chargeant la Commission municipale ou une autre entité d'entendre ces appels et de statuer à leur sujet;

(n) prescribing the amount or the portion of the amount required for the operation of a planning region that is to be paid by each regional member municipality, or the manner in which the portion may be determined;

(o) respecting information a planning region must make public, and the manner in which the information is to be made public;

(p) respecting the extent to which *The Corporations Act* applies to a planning region;

(q) respecting transitional matters when land in an area of a municipality is prescribed to be in a planning region;

(r) respecting any other matter the minister considers necessary or advisable for effective and efficient land use planning in a planning region.

l) établir la procédure applicable aux appels en question, fixer le délai de prescription à respecter pour l'introduction d'un appel et préciser les conséquences découlant du non-exercice du droit d'appel ou de l'inobservation des modalités réglementaires visant l'exercice de ce droit;

m) prendre des mesures concernant la procédure et les exigences en matière d'avis pour l'audition des appels et des autres instances si une région d'aménagement du territoire conclut une entente en vertu du paragraphe 10.1(2) ou 10.20(3);

n) prévoir la somme ou la portion de la somme requise pour la gestion d'une région d'aménagement du territoire que chaque municipalité participante régionale doit verser ou préciser son mode de calcul;

o) prendre des mesures concernant les renseignements que les régions d'aménagement du territoire sont tenues de rendre publics et leur mode de publication;

p) prévoir la mesure dans laquelle la *Loi sur les corporations* s'applique aux régions d'aménagement du territoire;

q) régir les questions transitoires se présentant lors du rattachement à une région d'aménagement du territoire d'un bien-fonds situé dans une zone d'une municipalité;

r) prendre toute autre mesure qu'il juge nécessaire ou souhaitable pour assurer la planification efficace de l'usage des biens-fonds dans les régions d'aménagement du territoire.

Application of regulations

10.21(2) A regulation under this Division may be general or particular in its application.

Application des règlements

10.21(2) Les règlements pris en vertu de la présente section peuvent être d'application générale ou particulière.

4 *The following is added after subsection 12(6):*

4 *Il est ajouté, après le paragraphe 12(6), ce qui suit :*

Impact of regional plans

12(7) If a special planning area is within a planning region, the minister must take reasonable measures to ensure that land use planning for the special planning area is coordinated with the regional planning of the planning region.

5 *Section 13 is amended by adding "Division 2 of Part 2 and" before "this Part".*

6(1) *Subsection 46(1) is amended by striking out "Between first and second" and substituting "Before or after a board or council gives first".*

6(2) *Subsection 46(2) is amended*

(a) by replacing the section heading with "Second reading";

(b) in clause (a), by adding "proceed to" before "give"; and

(c) in subclause (b)(iii), by adding "proceed to" before "give".

7(1) *Subsection 47(1) is replaced with the following:*

Submission to minister

47(1) As soon as reasonably practicable after the development plan by-law is given second reading, the board or council must submit the following to the minister, in the form and manner directed by the minister:

(a) a certified copy of the by-law;

Répercussions

12(7) Si une circonscription spéciale d'aménagement du territoire se trouve dans une région d'aménagement du territoire, le ministre prend des mesures raisonnables pour veiller à ce que la planification de l'usage des biens-fonds à l'égard de la circonscription spéciale soit coordonnée avec l'aménagement régional de la région d'aménagement du territoire.

5 *L'article 13 est modifié par adjonction, après « Sous réserve », de « de la section 2 de la partie 2 ainsi que ».*

6(1) *Le paragraphe 46(1) est modifié par substitution, à « Entre l'adoption en première lecture et l'adoption en deuxième lecture », de « Avant ou après l'adoption en première lecture, par la commission ou le conseil, ».*

6(2) *Le paragraphe 46(2) est modifié :*

a) par substitution, au titre, de « Deuxième lecture »;

b) dans l'alinéa a), par substitution, à « adopter le », de « procéder à l'adoption du »;

c) dans le sous-alinéa b)(iii), par substitution, à « adopter le », de « procéder à l'adoption du ».

7(1) *Le paragraphe 47(1) est remplacé par ce qui suit :*

Présentation au ministre

47(1) Dès que possible après l'adoption en deuxième lecture du règlement portant sur le plan de mise en valeur, la commission ou le conseil présente au ministre, selon les modalités de forme ou autres qu'il fixe, ce qui suit :

a) une copie certifiée conforme du règlement;

(b) a copy of the minutes of the hearing held under subsection 46(1) and each written submission filed at the hearing.

b) une copie du procès-verbal de l'audience tenue en vertu du paragraphe 46(1) et de chacune des observations écrites déposées lors de l'audience.

7(2) *Subsection 47(2) is repealed.*

7(2) *Le paragraphe 47(2) est abrogé.*

8 *Clause 50(1)(b) is amended by adding the following after subclause (i):*

8 *L'alinéa 50(1)b) est modifié par adjonction, après le sous-alinéa (i), de ce qui suit :*

(i.1) a regional planning board, if any land within its region is subject to the development plan,

(i.1) le conseil régional d'aménagement du territoire, si un bien-fonds situé dans sa région est assujéti au plan de mise en valeur,

9 *Clause 53(c) is amended by striking out "and" at the end of subclause (i), adding "and" at the end of subclause (ii) and adding the following after subclause (ii):*

9 *L'alinéa 53c) est modifié par adjonction, après le sous-alinéa (ii), de ce qui suit :*

(iii) the regional planning board, if any land within its region is subject to the development plan.

(iii) le conseil régional d'aménagement du territoire, si un bien-fonds situé dans sa région est assujéti au plan de mise en valeur.

10 *Section 55 is amended by adding the following after clause (a):*

10 *L'article 55 est modifié par adjonction, après l'alinéa a), de ce qui suit :*

(a.1) a regional planning board, if any land within its region is subject to the development plan;

a.1) le conseil régional d'aménagement du territoire, si un bien-fonds situé dans sa région est assujéti au plan de mise en valeur;

11 *The following is added after subsection 59(2):*

11 *Il est ajouté, après le paragraphe 59(2), ce qui suit :*

Consultation with minister and region

59(2.1) As part of a review of its development plan, a board or council must consult with any applicable planning region, the minister and any other person or organization designated by the minister.

Consultation du ministre et de la région

59(2.1) Dans le cadre de l'examen de son plan de mise en valeur, la commission ou le conseil consulte toute région d'aménagement du territoire concernée ainsi que le ministre et toute autre personne ou organisation désignée par le ministre.

12 *The following is added after subsection 62.2(3):*

Interpretation — "capital region"

62.2(4) In this section, a municipality is considered to be in the capital region only if it is a regional member municipality of the Capital Planning Region.

13 *Clause 63(1)(b) is amended by striking out "subdivision, design" and substituting "subdivision design".*

14 *Section 64 is replaced with the following:*

Adoption and amendment process

64 A secondary plan by-law and an amendment to a secondary plan by-law are subject to

- (a) the same hearing and approval process required to adopt a zoning by-law under Part 5; and
- (b) the same appeals process that applies to a zoning by-law or an amendment to a zoning by-law.

15 *Subsection 74(1) is amended by striking out "Between first and second reading of a zoning by-law, a board, council or" and substituting "Before or after a board or council gives first reading of a zoning by-law, a board or council or a".*

16 *Clause 75(a) is amended by adding "proceed to" before "give".*

12 *Il est ajouté, après le paragraphe 62.2(3), ce qui suit :*

Interprétation — « région de la capitale »

62.2(4) Pour l'application du présent article, une municipalité n'est réputée être située dans la région de la capitale que si elle est une municipalité participante régionale de la région d'aménagement du territoire de la capitale.

13 *L'alinéa 63(1)b) est modifié par substitution, à « du lotissement, de la conception », de « de la conception des lotissements ».*

14 *L'article 64 est remplacé par ce qui suit :*

Processus d'adoption et de modification

64 Les règlements portant sur un plan secondaire et les modifications apportées à de tels règlements sont assujettis :

- a) au processus d'audience et d'approbation requis pour l'adoption d'un règlement de zonage en vertu de la partie 5;
- b) au processus d'appels qui s'applique pour l'adoption ou la modification d'un règlement de zonage.

15 *Le paragraphe 74(1) est modifié par substitution, à « Entre l'adoption en première lecture et l'adoption en deuxième lecture d'un règlement de zonage, la commission, le conseil ou la », de « Avant ou après qu'une commission ou qu'un conseil adopte en première lecture un règlement de zonage, une commission, un conseil ou une ».*

16 *L'alinéa 75a) est modifié par substitution, à « adopter le », de « procéder à l'adoption du ».*

17(1) Subsection 76(5) is replaced with the following:

Hearing if sufficient objections

76(5) If the board or council receives sufficient objections by the deadline set out in the notice under subsection (3), it must as soon as reasonably practicable, refer the objections to the Municipal Board.

17(2) Subsection 76(6) is repealed.

18(1) Subsection 77(5) is replaced with the following:

Referring objections

77(5) If a board or council receives sufficient objections by the deadline set out in the notice under subsection (3), it must, as soon as reasonably practicable, refer the objections to the Municipal Board.

18(2) Subsections 77(6) to (11) are repealed.

19 The following is added after section 77 and before the centred heading that follows it:

MUNICIPAL BOARD

Requirement for third reading

77.1(1) If the board or council refers an objection under subsection 76(5) or 77(5), it must not give the by-law third reading unless

- (a) the Municipal Board makes an order under clause (4)(a) confirming the parts of the by-law that were the subject of the objection; or
- (b) the board or council, as the case may be, complies with an order of the Municipal Board under clause (4)(b) (alteration of by-law).

17(1) Le paragraphe 76(5) est remplacé par ce qui suit :

Audience — nombre suffisant d'oppositions

76(5) La commission ou le conseil qui reçoit un nombre suffisant d'oppositions dans le délai précisé dans l'avis prévu au paragraphe (3) doit les renvoyer à la Commission municipale dans les plus brefs délais possible.

17(2) Le paragraphe 76(6) est abrogé.

18(1) Le paragraphe 77(5) est remplacé par ce qui suit :

Renvoi des oppositions

77(5) La commission ou le conseil qui reçoit un nombre suffisant d'oppositions dans le délai précisé dans l'avis prévu au paragraphe (3) doit les renvoyer dès que raisonnablement possible à la Commission municipale.

18(2) Les paragraphes 77(6) à (11) sont abrogés.

19 Il est ajouté, après l'article 77 mais avant l'intertitre qui lui succède, ce qui suit :

COMMISSION MUNICIPALE

Exigences relatives à la troisième lecture

77.1(1) La commission ou le conseil qui renvoie une opposition en conformité avec les paragraphes 76(5) ou 77(5) ne peut procéder à la troisième lecture du règlement que dans l'un des cas suivants :

- a) la Commission municipale rend, en vertu de l'alinéa (4)a), une ordonnance confirmant les parties du règlement ayant fait l'objet de l'opposition;
- b) la commission ou le conseil, selon le cas, se conforme à une ordonnance que la Commission municipale a rendue en vertu de l'alinéa (4)b).

Hearing

77.1(2) Within 120 days after receiving an objection, the Municipal Board must hold a public hearing to receive representations from any person in respect of the objection.

Notice of hearing

77.1(3) At least 14 days before the hearing, the Municipal Board must

- (a) send notice of the hearing to
 - (i) the applicant,
 - (ii) the board or council that referred the objection,
 - (iii) the regional planning board, if any land within its region is subject to the by-law,
 - (iv) every person who made a representation at the hearing held under subsection 74(1), and
 - (v) any other person the Municipal Board considers appropriate; and
- (b) give public notice of the hearing by publishing a notice on a website available to the public.

Order

77.1(4) The Municipal Board must make an order

- (a) confirming or refusing to confirm any part of the by-law that was the subject of the objection; or
- (b) directing the board or council to alter the by-law in the manner the Municipal Board specifies to address any representations on the objection made at the hearing.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

Audience

77.1(2) Dans les 120 jours qui suivent la réception d'une opposition, la Commission municipale doit tenir une audience publique pour recevoir les observations de quiconque désire en présenter au sujet de l'opposition.

Avis d'audience

77.1(3) Au moins 14 jours avant l'audience, la Commission municipale doit :

- a) envoyer un avis de l'audience aux personnes suivantes :
 - (i) l'auteur de la demande,
 - (ii) la commission ou le conseil ayant renvoyé l'opposition,
 - (iii) le conseil régional d'aménagement du territoire, si des biens-fonds qui se trouvent dans sa région sont visés par le règlement,
 - (iv) toutes les personnes ayant présenté des observations lors de l'audience tenue en vertu du paragraphe 74(1),
 - (v) toute autre personne à qui elle estime indiqué de le faire parvenir;
- b) donner un avis public de l'audience sur un site Web accessible au public.

Ordonnance

77.1(4) La Commission municipale doit, par ordonnance, prendre l'une des mesures suivantes :

- a) confirmer ou refuser de confirmer toute partie du règlement ayant fait l'objet de l'opposition;
- b) enjoindre à la commission ou au conseil de modifier le règlement de la manière que la Commission municipale fixe pour répondre à toute observation concernant l'opposition soulevée lors de l'audience.

L'ordonnance peut être assujettie aux modalités et conditions que la Commission municipale estime utiles.

Effect of decision

77.1(5) A board or council must not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under subsection (4).

Notice of decision

77.1(6) The Municipal Board must make the order within 60 days after the hearing is concluded and must send a copy of the order to the board or council that referred the objection and to every person who made a representation at the hearing held under subsection (2).

Delayed decision

77.1(7) If the minister is reviewing a development plan by-law or an amendment to a development plan by-law at the same time as an objection to a zoning by-law for the same area is being considered under this section, the Municipal Board may delay making an order until the minister has made their decision.

Order not subject to appeal

77.1(8) The order of the Municipal Board is final and not subject to appeal.

Effet de la décision

77.1(5) Une commission ou un conseil ne peut exiger du propriétaire de la propriété visée qu'il conclue une entente de mise en valeur en vertu de l'article 150 à moins que la Commission municipale n'ait imposé une telle condition conformément au paragraphe (4).

Avis de la décision

77.1(6) La Commission municipale doit rendre l'ordonnance dans les 60 jours qui suivent l'audience et en envoyer une copie à la commission ou au conseil ayant renvoyé l'opposition et à toutes les personnes ayant présenté des observations lors de l'audience tenue en conformité avec le paragraphe (2).

Décision différée

77.1(7) Si le ministre examine un règlement portant sur un plan de mise en valeur ou une modification apportée à un règlement portant sur un plan de mise en valeur au moment où est examinée sous le régime du présent article une opposition à un règlement de zonage portant sur la même zone, la Commission municipale peut attendre la décision du ministre avant de rendre une ordonnance.

Ordonnance non susceptible d'appel

77.1(8) L'ordonnance de la Commission municipale est définitive et sans appel.

20 *Subsection 78(1) is amended*

(a) in the part before clause (a), by striking out "subsections 77(6) to (11)" and substituting "section 77.1"; and

(b) by adding the following after clause (a):

(a.1) the regional planning board, if any land within its region is subject to the zoning by-law;

20 *Le paragraphe 78(1) est modifié :*

a) dans le passage introductif, par substitution, à « aux paragraphes 77(6) à (11) », de « à l'article 77.1 »;

b) par adjonction, après l'alinéa a), de ce qui suit :

a.1) le conseil régional d'aménagement du territoire, si des biens-fonds qui se trouvent dans sa région sont visés par le règlement de zonage;

21 *The following is added after subsection 79(2):*

21 *Il est ajouté, après le paragraphe 79(2), ce qui suit :*

Notice to applicant

79(3) In the case of an amendment to a zoning by-law initiated under clause 80(1)(b), notice under subsection (1) or (2) must also be given to the applicant.

Avis à l'auteur de la demande

79(3) Dans le cas de la modification d'un règlement de zonage proposée en vertu de l'alinéa 80(1)b), l'avis mentionné au paragraphe (1) ou (2) doit également être donné à l'auteur de la demande.

22 *The following is added after section 82:*

22 *Il est ajouté, après l'article 82, ce qui suit :*

APPEALS CONCERNING ZONING

APPELS EN MATIÈRE DE ZONAGE

Appeal of refusal or conditions

82.1(1) In respect of an application for an amendment to a zoning by-law initiated under clause 80(1)(b), the applicant may appeal to the Municipal Board

- (a) if a board or council resolves not to proceed with the by-law amendment; or
- (b) if, as a condition of amending the zoning by-law, the owner of the affected property is required to enter into a development agreement under section 150.

Appel en cas de refus ou d'imposition de conditions

82.1(1) Dans le cas d'une demande de modification d'un règlement de zonage présentée en vertu de l'alinéa 80(1)b), l'auteur de la demande peut interjeter appel devant la Commission municipale dans les cas suivants :

- a) la commission ou le conseil décide de ne pas procéder à la modification;
- b) à titre de condition de la modification, le propriétaire de la propriété visée est tenu de conclure une entente de mise en valeur en vertu de l'article 150.

Right to appeal if failure to proceed

82.1(2) In respect of an application for an amendment to a zoning by-law initiated under clause 80(1)(b), the applicant may appeal to the Municipal Board

- (a) if the board, council or planning commission fails to hold the public hearing or hearings required under section 74 within 90 days after the application is made;
- (b) if section 75 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

- (i) give the by-law second and third reading,
- (ii) resolve not to proceed with the by-law;

Droit d'appel en cas de rejet

82.1(2) À l'égard d'une demande de modification d'un règlement de zonage proposée en vertu de l'alinéa 80(1)b), l'auteur de la demande peut interjeter appel devant la Commission municipale :

- a) si la commission, le conseil ou la commission d'aménagement du territoire ne tient pas la ou les audiences publiques qu'exige l'article 74 dans les 90 jours qui suivent la soumission de la demande;
- b) si l'article 75 s'applique et que la commission ou le conseil ne prend aucune des mesures ci-après dans les 60 jours qui suivent la ou les audiences tenues en conformité avec l'article 74 :

- (i) procéder à la deuxième et à la troisième lecture du règlement,
- (ii) décider de ne pas adopter de résolution prévoyant l'abandon de l'étude du règlement;

(c) if section 76 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

- (i) give the by-law third reading,
- (ii) resolve not to proceed with the by-law,
- (iii) refer the objections to the Municipal Board;
or

(d) if section 77 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

- (i) give the by-law third reading,
- (ii) resolve not to proceed with the by-law,
- (iii) refer the objections to the Municipal Board.

How to appeal

82.1(3) An appeal may be commenced by sending a notice of appeal to the Municipal Board,

(a) in the case of an appeal under subsection (1), within 14 days after the board or council

- (i) gives notice under subsection 79(3), or
- (ii) imposes a condition under section 150; or

(b) in the case of an appeal under subsection (2), within 14 days after the board, council or planning commission fails to take an action described in clauses (2)(a) to (d) within the specified time period.

Notice of appeal

82.1(4) A notice of appeal must include the following information:

c) si l'article 76 s'applique et que la commission ou le conseil ne prend aucune des mesures ci-après dans les 60 jours qui suivent la ou les audiences tenues en conformité avec l'article 74 :

- (i) procéder à la troisième lecture du règlement,
- (ii) décider de ne pas adopter de résolution prévoyant l'abandon de l'étude du règlement,
- (iii) renvoyer les oppositions à la Commission municipale;

d) si l'article 77 s'applique et que la commission ou le conseil ne prend aucune des mesures ci-après dans les 60 jours qui suivent la ou les audiences tenues en conformité avec l'article 74 :

- (i) procéder à la troisième lecture du règlement,
- (ii) décider de ne pas adopter de résolution prévoyant l'abandon de l'étude du règlement,
- (iii) renvoyer les oppositions à la Commission municipale.

Procédure d'appel

82.1(3) L'appel peut être interjeté par l'envoi d'un avis d'appel à la Commission municipale :

a) dans le cas d'un appel interjeté en vertu du paragraphe (1), dans les 14 jours qui suivent celui où la commission ou le conseil donne l'avis mentionné au paragraphe 79(3) ou impose une condition en vertu de l'article 150;

b) dans le cas d'un appel interjeté en vertu du paragraphe (2), dans les 14 jours qui suivent l'omission, par la commission, le conseil ou la commission d'aménagement du territoire, de prendre l'une des mesures indiquées aux alinéas (2)a) à d) dans le délai y précisé.

Avis d'appel

82.1(4) L'avis d'appel doit comprendre les renseignements suivants :

- (a) the legal description of the land that is subject to the application and the name of the municipality in which the land is located;
- (b) the name and address of the appellant;
- (c) if the decision relates to conditions imposed in a conditional approval, a description of the conditions being appealed.

- a) la description légale du bien-fonds visé par la demande et le nom de la municipalité où il se situe;
- b) le nom et l'adresse de l'appellant;
- c) si la décision se rapporte aux conditions imposées à l'égard d'une approbation conditionnelle, une description des conditions faisant l'objet de l'appel.

Appeal hearing

82.1(5) The Municipal Board must hold a hearing to consider the appeal within 120 days after the notice of appeal is received.

Audience d'appel

82.1(5) La Commission municipale tient une audience pour examiner l'appel dans les 120 jours qui suivent celui de la réception de l'avis d'appel.

Notice of hearing

82.1(6) At least 14 days before the hearing, the Municipal Board must

Avis d'audience

82.1(6) Au moins 14 jours avant l'audience, la Commission municipale :

- (a) send notice of the hearing to
 - (i) the appellant,
 - (ii) the applicable board, council or planning commission,
 - (iii) the regional planning board, if any land within its region is subject to the by-law, and
 - (iv) any other person the Municipal Board considers appropriate; and
- (b) give public notice of the hearing by publishing a notice on a publicly accessible website.

- a) envoie un avis d'audience :
 - (i) à l'appellant,
 - (ii) à la commission, au conseil ou à la commission d'aménagement du territoire concernés,
 - (iii) au conseil régional d'aménagement du territoire si tout bien-fonds qui se trouve dans sa région est visé par le règlement,
 - (iv) à toute autre personne à qui elle estime indiqué de le faire parvenir;
- b) donne un avis public de l'audience sur un site Web accessible au public.

Decision of Municipal Board

82.1(7) The Municipal Board must make an order

- (a) rejecting the proposed amendment to the zoning by-law;
- (b) confirming the proposed by-law or any part of it; or
- (c) directing the board or council to alter the by-law in the manner it specifies.

Décision de la Commission municipale

82.1(7) La Commission municipale doit, par ordonnance, prendre l'une des mesures suivantes :

- a) rejeter la modification proposée à l'égard du règlement de zonage;
- b) confirmer, en totalité ou en partie, le projet de règlement;

The order may be subject to any terms or conditions the Municipal Board considers advisable.

c) ordonner à la commission ou au conseil de modifier le règlement de la façon qu'elle précise.

L'ordonnance peut être assujettie aux modalités et conditions que la Commission municipale juge indiquées.

Effect of decision

82.1(8) The board or council must not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under subsection (7).

Effet de la décision

82.1(8) La commission ou le conseil ne peut exiger du propriétaire de la propriété visée qu'il conclue une entente de mise en valeur en vertu de l'article 150 à moins que la Commission municipale n'ait imposé une telle condition conformément au paragraphe (7).

Notice of decision

82.1(9) The Municipal Board must make its order within 60 days after the hearing is concluded and must send a copy of the order to the appellant, the board, council or planning commission and any other party to the appeal.

Avis de la décision

82.1(9) La Commission municipale rend son ordonnance dans les 60 jours qui suivent la date à laquelle l'audience a pris fin et envoie une copie à l'appelant, à la commission, au conseil ou à la commission d'aménagement du territoire et à toute autre partie à l'appel.

Decision not subject to appeal

82.1(10) A decision of the Municipal Board on an appeal is final and not subject to further appeal.

Décision définitive et sans appel

82.1(10) La décision que la Commission municipale rend à l'égard d'un appel est définitive et ne peut faire l'objet d'aucun autre appel.

Costs on appeal re failing to proceed

82.2(1) If, in respect of an appeal under subsection 82.1(2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

Frais d'appel

82.2(1) Dans le cas de l'appel visé au paragraphe 82.1(2), la Commission municipale, si elle est convaincue que le district d'aménagement du territoire ou la municipalité est responsable de délais déraisonnables dans le traitement de la demande de l'appelant, peut rendre une ordonnance enjoignant au responsable de payer la totalité ou une partie des frais que la Commission municipale a engagés pour entendre l'appel, ainsi que des frais raisonnables que l'appelant a engagés pour l'appel.

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs

82.2(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

Pouvoir discrétionnaire de la Commission municipale à l'égard des frais

82.2(2) Il demeure entendu que le présent article ne porte pas atteinte au pouvoir discrétionnaire que l'article 58 de la *Loi sur la Commission municipale* confère à la Commission municipale.

23 *Subsection 110(2) is replaced with the following:*

Extending approval deadline

110(2) A board, council or planning commission may extend the deadline under subsection (1)

(a) for a period of no longer than 12 months if an application is received before the expiry of the original deadline; and

(b) for a second period of no more than 12 months if an application is received before the expiry of the first extension.

24 *The following is added after subsection 125(4):*

If no decision within specified time

125(4.1) For a subdivision application subject to this section, an applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board under section 129 if the council fails to pass a resolution respecting the application within 90 days after it is received by the council.

25 *Subsection 125.1(6) is amended by striking out "clause 126(1)(a), and no appeal lies from such a decision" and substituting "clause 126(2)(a)".*

26 *The following is added before the centred heading before section 126:*

If no decision within specified time

125.3 For an application for a minor subdivision, an applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board under section 129 if the application is not dealt with within 60 days after it is received by the council.

23 *Le paragraphe 110(2) est remplacé par ce qui suit :*

Prolongation du délai d'appel

110(2) Une commission, un conseil ou une commission d'aménagement du territoire peut prolonger le délai prévu au paragraphe (1) d'une période maximale de douze mois si la demande en est reçue avant l'expiration du délai initial et peut accorder une deuxième prolongation d'une durée maximale identique si la demande en est reçue avant l'expiration de la première.

24 *Il est ajouté, après le paragraphe 125(4), ce qui suit :*

Présomption de rejet

125(4.1) L'auteur d'une demande de lotissement visée par le présent article peut conclure que sa demande a été rejetée et porter la question en appel devant la Commission municipale en vertu de l'article 129 lorsque le conseil n'adopte aucune résolution à l'égard de la demande dans les 90 jours après l'avoir reçue.

25 *Le paragraphe 125.1(6) est modifié par substitution, à « l'alinéa 126(1)a) et une telle décision ne peut faire l'objet d'un appel », de « l'alinéa 126(2)a) ».*

26 *Il est ajouté, avant l'intertitre qui précède l'article 126, ce qui suit :*

Présomption de rejet

125.3 L'auteur d'une demande de lotissement mineur peut conclure que sa demande a été rejetée et porter la question en appel devant la Commission municipale en vertu de l'article 129 lorsque la demande n'est pas traitée dans les 60 jours qui suivent sa réception par le conseil.

27(1) *Subsection 126(1) is repealed.*

27(1) *Le paragraphe 126(1) est abrogé.*

27(2) *Subsection 126(2) is amended by replacing everything before clause (a) with the following:*

27(2) *Le passage introductif du paragraphe 126(2) est remplacé par ce qui suit :*

Decision of approving authority

126(2) After receiving notice of a decision under subsection 125(4) or 125.1(7), the approving authority must consider the application and do one of the following:

Décision de l'autorité compétente

126(2) Après avoir reçu un avis de résolution en vertu du paragraphe 125(4) ou un avis de décision en vertu du paragraphe 125.1(7), l'autorité compétente doit examiner la demande et prendre l'une des mesures suivantes :

28(1) *Subsection 129(2) is repealed.*

28(1) *Le paragraphe 129(2) est abrogé.*

28(2) *Clause 129(3)(b) is replaced with the following:*

28(2) *L'alinéa 129(3)b) est remplacé par ce qui suit :*

(b) within 30 days after the expiry of the time specified in subsection 125(4.1), section 125.3 or subsection 126(5), if the approving authority has failed to make a decision.

b) soit dans les 30 jours après l'expiration du délai prévu au paragraphe 125(4.1), à l'article 125.3 ou au paragraphe 126(5), si l'autorité compétente a omis de rendre une décision.

29 *The following is added after section 131 and before the centred heading that follows it:*

29 *Il est ajouté, après l'article 131 mais avant l'intertitre qui lui succède, ce qui suit :*

Costs on appeal re failing to proceed

131.1(1) If, in respect of an appeal under subsection 125(4.1) or section 125.3, the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

Frais d'appel

131.1(1) Dans le cas de l'appel visé au paragraphe 125(4.1) ou à l'article 125.3, la Commission municipale, si elle est convaincue que le district d'aménagement du territoire ou la municipalité est responsable de délais déraisonnables dans le traitement de la demande de l'appelant, peut rendre une ordonnance enjoignant au responsable de payer la totalité ou une partie des frais que la Commission municipale a elle-même engagés pour entendre l'appel, ainsi que des frais raisonnables que l'appelant a engagés pour l'appel.

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs

131.1(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

30 *Clause 146(1)(a) is amended by adding the following after subclause (i):*

(i.1) respecting time periods for processing applications by approving authorities under section 124,

31 *The following is added after subsection 147(2):*

Determination on application to be made in 20 days

147(3) Within 20 days after an application for a development permit is submitted, a designated employee or officer of a planning district or municipality must determine whether the application is complete.

When application is complete

147(4) An application is complete if, in the opinion of the designated employee or officer, the application contains the documents and other information necessary to review the application.

Extension by agreement

147(5) The time period referred to in subsection (3) may be extended by an agreement in writing between the applicant and the planning district or municipality.

Applications to be forwarded

147(6) The designated employee or officer must ensure that a completed application is forwarded to the board or council as soon as reasonably practicable.

Pouvoir discrétionnaire de la Commission municipale en matière de frais

131.1(2) Il demeure entendu que le présent article ne porte pas atteinte au pouvoir discrétionnaire que l'article 58 de la *Loi sur la Commission municipale* confère à la Commission municipale.

30 *L'alinéa 146(1)a est modifié par adjonction, après le sous-alinéa (i), de ce qui suit :*

(i.1) concernant les délais applicables au traitement des demandes par les autorités compétentes en vertu de l'article 124,

31 *Il est ajouté, après le paragraphe 147(2), ce qui suit :*

Délai de 20 jours

147(3) Dans les 20 jours qui suivent la présentation d'une demande de permis de mise en valeur, l'employé ou le dirigeant désigné d'un district d'aménagement du territoire ou d'une municipalité détermine si cette demande est complète.

Critères d'évaluation

147(4) La demande est complète si, de l'avis de l'employé ou du dirigeant désigné, elle comporte tous les renseignements et est accompagnée de tous les documents nécessaires à son évaluation.

Prolongation consensuelle du délai

147(5) L'auteur de la demande et le district d'aménagement du territoire ou la municipalité peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (3).

Transmission à la commission ou au conseil

147(6) L'employé ou le dirigeant désigné veille à ce que la demande complète soit transmise à la commission ou au conseil le plus rapidement possible.

32 *The following is added after section 149 and before the centred heading that follows it:*

Obligation to enter development agreement

149.1(1) As a condition of issuing a development permit, a board or council may require the owner of the affected property to enter into a development agreement under section 150 with the planning district or municipality in respect of the affected property and any contiguous land owned or leased by the owner.

Application

149.1(2) This section applies only in respect of the following:

- (a) a development permit for a prescribed major development;
- (b) a development permit for a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks or traffic controls works.

Regulations

149.1(3) The minister may make regulations prescribing a development to be a major development for the purpose of clause (2)(a).

Appeals re development permits

149.2(1) In respect of an application for a development permit, the applicant may appeal the following decisions of a board or council to the Municipal Board:

- (a) a decision to reject the application;
- (b) a decision to impose conditions on the issuance of a development permit.

32 *Il est ajouté, après l'article 149 mais avant l'intertitre qui lui succède, ce qui suit :*

Obligation de conclure une entente de mise en valeur

149.1(1) À titre de condition de la délivrance d'un permis de mise en valeur, la commission ou le conseil peut exiger que le propriétaire de la propriété visée conclue avec le district d'aménagement du territoire ou la municipalité une entente de mise en valeur en conformité avec l'article 150 à l'égard de cette propriété et de tout bien-fonds contigu qui appartient au propriétaire ou dont il est locataire.

Application

149.1(2) Le présent article ne s'applique que dans les cas suivants :

- a) le permis de mise en valeur visant un cas d'aménagement important désigné par règlement;
- b) le permis de mise en valeur à l'égard d'une mise en valeur qui nécessite de nouvelles constructions ou l'expansion d'ouvrages existants liés aux égouts et aqueducs, à la collecte des déchets, au drainage, aux voies publiques, aux rues de jonction, à l'éclairage des rues, aux trottoirs et à la réglementation de la circulation.

Règlements

149.1(3) Le ministre peut, par règlement, déterminer quels sont les cas d'aménagement important pour l'application de l'alinéa (2)a).

Appels — permis de mise en valeur

149.2(1) L'auteur d'une demande de permis de mise en valeur peut interjeter appel devant la Commission municipale des décisions qui suivent prises par une commission ou un conseil :

- a) la décision de rejeter sa demande;
- b) la décision d'imposer des conditions à la délivrance du permis de mise en valeur.

Right to appeal if failure to issue permit

149.2(2) If the board or council fails to make a decision on an application in the applicable time period described under section 148, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board.

Application

149.2(3) Subsections 82.1(3) to (10) apply, with necessary changes, to an appeal under this section.

Costs on appeal re failing to proceed

149.2(4) If, in respect of an appeal under subsection (2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

- (a) the costs incurred by the Board in hearing the appeal; and
- (b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs

149.2(5) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

33 *The following is added after section 151 and before the centred heading that follows it:*

Failing to conclude development agreement

151.0.1 If a board, council or planning commission and the owner of the affected property are unable to agree to the terms or conditions of a development agreement within 90 days after the agreement is required under section 150, the owner may appeal the matter to the Municipal Board under clause 151.0.3(1)(a).

Droit d'appel en cas de non-délivrance du permis

149.2(2) L'auteur d'une demande peut conclure que sa demande a été rejetée et peut porter la question en appel devant la Commission municipale si la commission ou le conseil ne rend pas de décision à son sujet avant l'expiration des délais applicables visés à l'article 148.

Application

149.2(3) Les paragraphes 82.1(3) à (10) s'appliquent, avec les adaptations nécessaires, aux appels interjetés en vertu du présent article.

Frais d'appel

149.2(4) Dans le cas de l'appel visé au paragraphe (2), la Commission municipale, si elle est convaincue que le district d'aménagement du territoire ou la municipalité est responsable de délais déraisonnables dans le traitement de la demande de l'appelant, peut rendre une ordonnance enjoignant au responsable de payer la totalité ou une partie des frais que la Commission municipale a elle-même engagés pour entendre l'appel, ainsi que des frais raisonnables que l'appelant a engagés pour l'appel.

Pouvoir discrétionnaire de la Commission municipale en matière de frais

149.2(5) Il demeure entendu que le présent article ne porte pas atteinte au pouvoir discrétionnaire que l'article 58 de la *Loi sur la Commission municipale* confère à la Commission municipale.

33 *Il est ajouté, après l'article 151 mais avant l'intertitre qui lui succède, ce qui suit :*

Défaut de conclure une entente de mise en valeur

151.0.1 Si une commission, un conseil ou une commission d'aménagement du territoire et le propriétaire de la propriété visée ne peuvent s'entendre sur les modalités et conditions d'une entente de mise en valeur dans les 90 jours qui suivent celui où sa conclusion est exigée en vertu de l'article 150, le propriétaire peut porter la question en appel devant la Commission municipale en vertu de l'alinéa 151.0.3(1)a).

Application to amend a development agreement

151.0.2(1) The owner of property that is subject to a development agreement may apply to the planning district or municipality to amend the agreement.

Decision

151.0.2(2) On receiving an application, a planning district or municipality may agree to vary the conditions of a development agreement, require new conditions or reject the application.

Appeals re development agreement

151.0.3(1) An applicant may appeal the following to the Municipal Board:

- (a) in respect of a development agreement required under section 150, the terms and conditions to be included in such an agreement;
- (b) in respect of an application to amend a development agreement made under subsection 151.0.2(1),
 - (i) a decision of a board or council to reject the application, or
 - (ii) a decision of a board or council to require a new or varied condition in a development agreement.

Right to appeal if failure to decide

151.0.3(2) If the board or council fails to make a decision on an application to amend a development agreement within 90 days, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board.

How to appeal

151.0.3(3) An appeal may be commenced by sending a notice of appeal to the Municipal Board,

- (a) in the case of an appeal under clause (1)(a), within 14 days after the expiry of the time period for coming to an agreement under section 151.0.1;

Demande de modification d'une entente de mise en valeur

151.0.2(1) Le propriétaire d'une propriété visée par une entente de mise en valeur peut demander au district d'aménagement du territoire ou à la municipalité une modification de l'entente.

Décision

151.0.2(2) Dès réception de la demande, le district d'aménagement du territoire ou la municipalité peut accepter de modifier les conditions de l'entente, en exiger de nouvelles ou rejeter la demande.

Appels — entente de mise en valeur

151.0.3(1) L'auteur de la demande peut interjeter appel devant la Commission municipale des questions suivantes :

- a) dans le cas de l'entente de mise en valeur exigée en vertu de l'article 150, les modalités et conditions à y inclure;
- b) dans le cas d'une demande de modification d'une entente de mise en valeur présentée en vertu du paragraphe 151.0.2(1) :
 - (i) une décision de la commission ou du conseil de rejeter sa demande,
 - (ii) une décision de la commission ou du conseil d'exiger une modification des conditions de l'entente ou l'ajout de nouvelles conditions.

Droit d'appel en cas d'absence de décision

151.0.3(2) L'auteur d'une demande de modification d'une entente de mise en valeur peut conclure que sa demande a été rejetée et peut porter la question en appel devant la Commission municipale si la commission ou le conseil ne rend pas de décision à son sujet dans un délai de 90 jours.

Délai d'appel

151.0.3(3) L'appel peut être interjeté par l'envoi d'un avis d'appel à la Commission municipale :

- a) dans le cas visé à l'alinéa (1)a), dans les 14 jours qui suivent l'expiration du délai pour conclure l'entente en conformité avec l'article 151.0.1;

(b) in the case of an appeal under clause (1)(b), within 14 days after the board or council makes a decision described in that clause; or

(c) in the case of an appeal under subsection (2), within 14 days after the board, council or planning commission fails to make a decision on the application within the time period specified.

b) dans le cas visé à l'alinéa (1)b), dans les 14 jours qui suivent la décision de la commission ou du conseil;

c) dans le cas visé au paragraphe (2), dans les 14 jours après que la commission, le conseil ou la commission d'aménagement du territoire a omis de rendre une décision dans le délai y précisé.

Notice of appeal

151.0.3(4) A notice of appeal must include the following information:

- (a) the legal description of the land that is subject to the application and the name of the municipality in which the land is located;
- (b) the name and address of the appellant;
- (c) if the decision relates to conditions imposed in a development agreement, a description of the conditions being appealed.

Avis d'appel

151.0.3(4) L'avis d'appel doit comprendre les renseignements suivants :

- a) la description légale du bien-fonds visé par la demande et le nom de la municipalité où il se situe;
- b) le nom et l'adresse de l'appellant;
- c) si la décision se rapporte aux conditions imposées dans une entente de mise en valeur, une description des conditions faisant l'objet de l'appel.

Appeal hearing

151.0.3(5) The Municipal Board must hold a hearing to consider the appeal within 120 days after the notice of appeal is received.

Audience d'appel

151.0.3(5) La Commission municipale tient une audience pour examiner l'appel dans les 120 jours qui suivent celui de la réception de l'avis d'appel.

Notice of hearing

151.0.3(6) At least 14 days before the hearing, the Municipal Board must

- (a) send notice of the hearing to
 - (i) the appellant,
 - (ii) the applicable board, council or planning commission,
 - (iii) the regional planning board, if any land within its region is subject to the by-law, and
 - (iv) any other person the Municipal Board considers appropriate; and
- (b) give public notice of the hearing by publishing a notice on a website available to the public.

Avis d'audience

151.0.3(6) Au moins 14 jours avant l'audience, la Commission municipale :

- a) envoie un avis d'audience :
 - (i) à l'appellant,
 - (ii) à la commission, au conseil ou à la commission d'aménagement du territoire concernés,
 - (iii) au conseil régional d'aménagement du territoire si un bien-fonds qui se trouve dans sa région est visé par le règlement,
 - (iv) à toute autre personne à qui elle estime indiqué de le faire parvenir;

- b) donne un avis public de l'audience sur un site Web accessible au public.

Decision of Municipal Board

151.0.3(7) The Municipal Board must make an order

- (a) rejecting the requirement that the applicant enter a development agreement; or
- (b) specifying or confirming the content of the development agreement.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

Notice of decision

151.0.3(8) The Municipal Board must make the order within 60 days after the hearing is concluded and must send a copy of the order to the appellant, the board, council or planning commission and any other party to the appeal.

Decision not subject to appeal

151.0.3(9) A decision of the Municipal Board on an appeal is final and not subject to further appeal.

Costs on appeal re failing to proceed

151.0.4(1) If, in respect of an appeal under section 151.0.1 or subsection 151.0.3(2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application or matter, the Board may make an order requiring the planning district or municipality to pay some or all of

- (a) the costs incurred by the Board in hearing the appeal; and
- (b) the appellant's reasonable costs related to the appeal.

Décision de la Commission municipale

151.0.3(7) La Commission municipale doit, par ordonnance, prendre l'une des mesures suivantes :

- a) annuler l'obligation pour l'auteur de la demande de conclure une entente de mise en valeur;
- b) préciser ou confirmer le contenu de l'entente.

L'ordonnance peut être assujettie aux modalités et conditions que la Commission municipale juge indiquées.

Avis de la décision

151.0.3(8) La Commission municipale rend l'ordonnance dans les 60 jours qui suivent la date à laquelle l'audience a pris fin et envoie une copie à l'appelant, à la commission, au conseil ou à la commission d'aménagement du territoire et à toute autre partie à l'appel.

Décision définitive et sans appel

151.0.3(9) La décision que la Commission municipale rend à l'égard d'un appel est définitive et ne peut faire l'objet d'aucun autre appel.

Frais d'appel

151.0.4(1) Dans le cas de l'appel visé à l'article 151.0.1 ou au paragraphe 151.0.3(2), la Commission municipale, si elle est convaincue que le district d'aménagement du territoire ou la municipalité est responsable de délais déraisonnables dans le traitement de la demande de l'appelant, peut rendre une ordonnance enjoignant au responsable de payer la totalité ou une partie des frais que la Commission municipale a elle-même engagés pour entendre l'appel, ainsi que des frais raisonnables que l'appelant a engagés pour l'appel.

Board retains discretion as to costs

151.0.4(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

Pouvoir discrétionnaire de la Commission municipale à l'égard des frais

151.0.4(2) Il demeure entendu que le présent article ne porte pas atteinte au pouvoir discrétionnaire que l'article 58 de la *Loi sur la Commission municipale* confère à la Commission municipale.

34 *The heading for Part 11 is replaced with "NOTICES, HEARINGS AND DECISIONS".*

34 *Le titre de la partie 11 est remplacé par « AVIS, AUDIENCES ET DÉCISIONS ».*

35 *Subsection 168(1) is amended by adding the following after clause (d):*

35 *Le paragraphe 168(1) est modifié par adjonction, après l'alinéa d), de ce qui suit :*

(e) a hearing on a proposal to establish a planning region under subsection 10(3);

e) les audiences sur une proposition de constitution d'une région d'aménagement du territoire en vertu du paragraphe 10(3);

(f) a hearing on the adoption of a regional planning by-law under subsection 10.7(4).

f) les audiences sur l'adoption d'un règlement régional d'aménagement du territoire en vertu du paragraphe 10.7(4).

36 *Subsection 169(5) is amended by striking out "section 118.1" and substituting "subsection 1(1) of The Mines and Minerals Act".*

36 *Le paragraphe 169(5) est modifié par substitution, à « de l'article 118.1 », de « du paragraphe 1(1) de la Loi sur les mines et les minéraux ».*

37 *The following is added after subsection 174(2):*

37 *Il est ajouté, après le paragraphe 174(2), ce qui suit :*

Effect of combined hearing

174(3) If a combined hearing is held but a decision on the application is not made within the longest time period applicable under subsection 82.1(2) or 118.2(1.1) or section 125.3, 151.0.1 or 151.0.3, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board, and subsections 82.1(3) to (9) apply, with necessary changes, to the appeal.

Conséquence de l'audience mixte

174(3) Lorsqu'une audience mixte est tenue sans qu'une décision au sujet de la demande n'ait été rendue au cours de la plus longue période applicable en vertu du paragraphe 82.1(2) ou 118.2(1.1) ou de l'article 125.3, 151.0.1 ou 151.0.3, l'auteur de la demande peut conclure que sa demande est rejetée et peut interjeter appel devant la Commission municipale, et les paragraphes 82.1(3) à (9) s'appliquent, avec les adaptations nécessaires, à l'appel.

38 *The following is added after section 174 as part of Part 11:*

DIVISION 3

DECISIONS

Reasons to be provided

174.1 A regional planning board, a board, a council, a planning commission or a designated employee or officer must ensure that written reasons accompany the following decisions:

- (a) a decision to resolve not to adopt a development plan by-law, secondary plan by-law or a zoning by-law, including a decision not to adopt an amendment to any of them, on application made by an owner of the affected property;
- (b) a decision to reject an application for a conditional use;
- (c) a decision to reject an application for subdivision approval.

39 *Subsection 175(1) is amended*

- (a) *in the part before clause (a), by adding "planning region," before "planning district"; and*
- (b) *in subclause (a)(i), by adding "region," before "district".*

40 *Subsection 176(2) is amended by adding "planning region," before "planning district".*

38 *Il est ajouté, après l'article 174 mais dans la partie 11, ce qui suit :*

SECTION 3

DÉCISIONS

Obligation de motiver les décisions

174.1 Les conseils régionaux d'aménagement du territoire, les commissions, les conseils, les commissions d'aménagement du territoire ainsi que les employés et dirigeants désignés sont tenus de veiller à ce que les décisions qui suivent soient accompagnées de leurs motifs écrits :

- a) la décision de ne pas adopter un règlement portant sur un plan mise en valeur, un règlement portant sur un plan secondaire ou un règlement de zonage, y compris la décision de ne pas adopter de modifications à leur égard, à la demande du propriétaire de la propriété visée;
- b) la décision de rejeter une demande d'usage conditionnel;
- c) la décision de rejeter une demande d'approbation de lotissement.

39 *Le paragraphe 175(1) est modifié :*

- a) *dans le passage introductif, par adjonction, avant « d'un district d'aménagement du territoire », de « d'une région d'aménagement du territoire, »;*
- b) *dans le sous-alinéa a)(i), par adjonction, avant « le district », de « la région, ».*

40 *Le paragraphe 176(2) est modifié par adjonction, avant « le district d'aménagement du territoire », de « la région d'aménagement du territoire, ».*

41(1) *Clause 178(1)(a) is amended by adding "planning region," before "planning district".*

41(1) *Le paragraphe 178(1) est modifié par substitution, à « le district », de « la région d'aménagement du territoire, le district d'aménagement du territoire ».*

41(2) *Subsection 178(3) is amended by adding "the regional planning board or" before "the board" wherever it occurs.*

41(2) *Le paragraphe 178(3) est modifié par adjonction, avant « à la commission », de « au conseil régional d'aménagement du territoire, ».*

42(1) *Subsection 179(1) is amended*

42(1) *Le paragraphe 179(1) est modifié :*

(a) in the part before clause (a), by adding "planning region," before "planning district"; and

a) dans le passage introductif, par substitution, à « Le district », de « La région d'aménagement du territoire, le district d'aménagement du territoire »;

(b) in clause (d), by striking out "the board or council was to allow the district or the municipality" and substituting "the regional planning board or the board or council was to allow the region, district or municipality".

b) à l'alinéa d), par substitution, à « la commission ou le conseil a décidé de permettre », de « le conseil régional d'aménagement du territoire, la commission ou le conseil a décidé de permettre à la région, ».

42(2) *Subsection 179(2) is amended*

42(2) *Le paragraphe 179(2) est modifié :*

(a) by adding "planning region," before "planning district"; and

a) par adjonction, avant « le district d'aménagement du territoire », de « la région d'aménagement du territoire, »;

(b) by striking out "the district" and substituting "the region, district".

b) par adjonction, après « envers », de « la région, ».

43 *The centred heading before section 181 is replaced with the following Part heading:*

43 *L'intertitre qui précède l'article 181 est remplacé par ce qui suit :*

PART 12.1

PARTIE 12.1

OFFENCES AND PENALTIES

INFRACTIONS ET PEINES

44 *Section 184 is replaced with the following:*

44 *L'article 184 est remplacé par ce qui suit :*

Designated employees and officers

184 When a provision of this Act refers to a designated employee or officer, a regional planning board, the board of a planning district or the council of a municipality may, by by-law, designate an employee or officer of the region, district or municipality, as the case may be, to carry out the power or responsibility.

45 *Section 186 is amended*

(a) *by replacing the section heading with "Records of planning regions and planning districts"; and*

(b) *by striking out everything after "record of" and substituting "a planning region or planning district that has been certified to be a true copy of the original record by a designated employee or officer of the region or district."*

46 *Section 188 is renumbered as subsection 188(1) and the following is added as subsection 188(2):*

Alteration of boundaries — regions

188(2) Subsection (1) applies, with necessary changes, to a regional planning by-law if land located in one planning region becomes part of another planning region because of an annexation or other alteration of municipal boundaries.

47 *Section 192 is amended, in the part before clause (a), by adding "regional planning board," before "board".*

Employés et dirigeants désignés

184 Lorsqu'une disposition de la présente loi mentionne un employé ou dirigeant désigné, un conseil régional d'aménagement du territoire, la commission d'un district d'aménagement du territoire ou le conseil d'une municipalité peut, par règlement, désigner un employé ou un dirigeant de la région, du district ou de la municipalité, selon le cas, afin qu'il exerce les pouvoirs ou assume les responsabilités visés.

45 *L'article 186 est modifié :*

a) *par substitution, au titre, de « Dossiers des régions d'aménagement du territoire et des districts d'aménagement du territoire »;*

b) *par substitution, au passage qui suit « d'un dossier », de « d'une région d'aménagement du territoire ou d'un district d'aménagement du territoire qui a été certifiée conforme au dossier original par un employé ou dirigeant désigné de la région ou du district. ».*

46 *L'article 188 est modifié par substitution, à son numéro, du numéro de paragraphe 188(1) et par adjonction ce qui suit :*

Modification des limites — régions

188(2) Le paragraphe (1) s'applique, avec les adaptations nécessaires, à un règlement régional d'aménagement du territoire, si un bien-fonds situé dans une région d'aménagement du territoire fait désormais partie d'une autre région d'aménagement du territoire en raison d'une annexion ou d'une autre modification des limites municipales.

47 *L'article 192 est modifié par adjonction, après « l'immunité les membres », de « d'un conseil régional d'aménagement du territoire, ».*

PART 2

THE CITY OF WINNIPEG CHARTER

S.M. 2002, c. 39 amended

48 *The City of Winnipeg Charter is amended by this Part.*

49 *Division 1 of Part 6 is renumbered as Division 1.1 and the following is added as Division 1:*

DIVISION 1

CAPITAL PLANNING REGION

Application

223.1 This Part is subject to Division 2 of Part 2 of *The Planning Act*.

50 *The following is added after subsection 226(3):*

Consultation with minister and region

226(3.0.1) On beginning a review of Plan Winnipeg, council must consult with the Capital Planning Region, the minister and any other person or organization designated by the minister.

51(1) *Subsection 227(1) is amended*

(a) in clause (a), by striking out "the executive policy" and substituting "a designated"; and

(b) in clause (b), by striking out "executive policy" and substituting "designated".

PARTIE 2

CHARTE DE LA VILLE DE WINNIPEG

Modification du c. 39 des L.M. 2002

48 *La présente partie modifie la Charte de la ville de Winnipeg.*

49 *La division 1 de la partie 6 devient la division 1.1 et il est ajouté, à titre de division 1, ce qui suit :*

DIVISION 1

RÉGION D'AMÉNAGEMENT DU TERRITOIRE DE LA CAPITALE

Application

223.1 La section 2 de la partie 2 de la *Loi sur l'aménagement du territoire* s'applique à la présente partie.

50 *Il est ajouté, après le paragraphe 226(3), ce qui suit :*

Consultation avec le ministre et la région

226(3.0.1) Lorsqu'il entreprend une révision du plan de la ville de Winnipeg, le conseil consulte la région d'aménagement du territoire de la capitale, le ministre et les autres personnes et organismes que le ministre désigne.

51(1) *Le paragraphe 227(1) est modifié :*

a) dans l'alinéa a), par substitution, à « que le comité exécutif », de « qu'un comité désigné du conseil »;

b) dans l'alinéa b), par substitution, à « le comité exécutif », de « le comité désigné du conseil ».

51(2) Subsection 227(2) is amended, in the part before clause (a), by striking out "executive policy" and substituting "designated".

51(2) Le paragraphe 227(2) est modifié, dans le passage introductif, par substitution, à « comité exécutif », de « comité désigné du conseil ».

52 Section 228 is amended by striking out "executive policy" wherever it occurs and substituting "designated".

52 L'article 228 est modifié par substitution, à « comité exécutif », à chaque occurrence, de « comité désigné du conseil ».

53(1) Subsection 230(1) is amended

53(1) Le paragraphe 230(1) est modifié :

(a) in subclause (a)(ii), by striking out "executive policy" and substituting "designated";

a) dans le sous-alinéa a)(ii), par substitution, à « conseil exécutif », de « comité désigné du conseil »;

(b) in clause (b), by adding "within 120 days after the referral is received," before "conduct"; and

b) dans l'alinéa b), par adjonction, à la fin, de « dans les 120 jours qui suivent la réception du renvoi »;

(c) in clause (c), by adding "within 60 days after completing the hearing," before "submit".

c) dans l'alinéa c), par substitution, à « son rapport, accompagné de ses recommandations, au ministre », de « au ministre, dans les 60 jours qui suivent la fin de l'audience, son rapport accompagné de ses recommandations ».

53(2) The following is added after subsection 230(2):

53(2) Il est ajouté, après le paragraphe 230(2), ce qui suit :

Notice on non-adoption

230(3) The city must, as soon as reasonably practicable, give the minister written notice if council does not pass the proposed Plan Winnipeg by-law, as approved under subsection (2).

Avis de non-adoption

230(3) Si le conseil n'adopte pas le projet de règlement municipal sur le plan de la ville de Winnipeg approuvé en conformité avec le paragraphe (2), la ville en avise par écrit le ministre dès que raisonnablement possible.

54 Subsection 234(3) is replaced with the following:

54 Le paragraphe 234(3) est remplacé par ce qui suit :

Adoption and amendment process

234(3) A secondary plan by-law and an amendment to a secondary plan by-law are subject to the same approval process required for a zoning by-law or an amendment to a zoning by-law under this Part.

Procédure d'adoption et de modification

234(3) Le règlement municipal sur un plan secondaire et la modification d'un tel règlement sont soumis à la même procédure d'approbation ou de modification qu'un règlement de zonage sous le régime de la présente partie.

55(1) *Subsection 236(3) is amended, in the part before clause (a), by striking out "or after".*

55(1) *Le passage introductif du paragraphe 236(3) est modifié par suppression de « ou après ».*

55(2) *Subsection 236(3) is further amended by renumbering it as subsection 236.1(2) and adding the following as subsection 236.1(1):*

55(2) *Le paragraphe 236(3) devient le paragraphe 236.1(2) et il est ajouté, avant ce nouveau paragraphe, ce qui suit :*

Interpretation: when are objections sufficient?

236.1(1) To be sufficient for the purpose of this section,

(a) in the case of a proposed zoning by-law, objections must be received from at least 25 voters; or

(b) in the case of a proposed by-law that amends a zoning by-law, objections must be received from at least

(i) 25 voters, or

(ii) 50% of the total number of registered owners of land located within 100 metres of the real property affected by the by-law.

Interprétation — acceptabilité des oppositions

236.1(1) Pour l'application du présent article, les oppositions sont suffisantes si elles proviennent, selon le cas :

a) d'au moins 25 électeurs, dans le cas d'un projet de règlement de zonage;

b) d'au moins 25 électeurs ou d'au moins 50 % du nombre total des propriétaires inscrits dont le bien-fonds est situé dans un rayon de 100 mètres du bien-fonds visé, dans le cas d'un projet de règlement qui modifie un règlement de zonage.

55(3) *The following is added as subsections 236.1(3) to (9):*

55(3) *Il est ajouté, à titre de paragraphes 236.1(3) à (9), ce qui suit :*

Alteration to zoning by-law

236.1(3) If, after the hearing, council proposes to alter the by-law, a second hearing must be held in accordance with subsection (2) to receive representations on the alterations to the by-law.

Modification du règlement de zonage

236.1(3) Si, après avoir tenu une audience publique, le conseil se propose de modifier le règlement, une deuxième audience doit être tenue en conformité avec le paragraphe (2) pour recevoir les observations au sujet des modifications proposées au règlement de zonage.

No hearing for minor alteration

236.1(4) A second hearing is not required if the alteration is a minor one that does not change the intent of the by-law.

Aucune audience en cas de modification mineure

236.1(4) Une deuxième audience n'est pas requise si la modification est mineure et ne change pas l'objet du règlement.

Effect of objections

236.1(5) After receiving a report from the designated committee of council, council may,

(a) if there are not sufficient objections to the zoning by-law at the hearing,

Effet des oppositions

236.1(5) Après réception du rapport émanant du comité désigné, le conseil peut, selon le cas :

- (i) proceed to adopt the by-law without further notice, or
- (ii) reject the by-law either in whole or in part; or
- (b) if there are sufficient objections,
 - (i) proceed to give first reading to the by-law, or
 - (ii) reject the by-law either in whole or in part.

Notice of first reading: sufficient objections

236.1(6) As soon as practicable after a proposed zoning by-law is given first reading under subclause (5)(b)(i), the city must give notice by ordinary mail to every person who made submissions at the hearing conducted by the designated committee of council respecting the proposed by-law, stating that

- (a) council has given first reading to the proposed by-law; and
- (b) any person who made submissions at the hearing respecting the proposed by-law may file an objection, with stated reasons, with the city within 14 days after the day the notice is given.

Referral to Municipal Board

236.1(7) If the city receives sufficient objections within 14 days after the day the notice is given, the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.

Hearing by Municipal Board

236.1(8) If a proposed zoning by-law is referred to The Municipal Board, the board must

- (a) conduct a hearing respecting the proposed by-law within 120 days after the by-law being referred to it;

a) si un nombre suffisant d'oppositions ne sont pas présentées à l'égard du règlement de zonage lors de l'audience :

(i) soit procéder à son adoption sans faire parvenir d'avis,

(ii) soit le rejeter en tout ou en partie;

b) si un nombre suffisant d'oppositions sont présentées :

(i) soit procéder à son adoption en première lecture,

(ii) soit le rejeter en tout ou en partie.

Avis d'adoption en première lecture — oppositions suffisantes

236.1(6) Dès que possible après l'adoption en première lecture du projet de règlement de zonage en vertu du sous-alinéa (5)b(i), la ville fait parvenir par la poste un avis à toutes les personnes qui ont présenté des observations à l'audience tenue par le comité désigné sur le projet de règlement de zonage; l'avis indique :

a) que le conseil a adopté en première lecture le projet de règlement;

b) que toute personne qui a présenté des observations à l'audience sur le projet de règlement peut déposer un avis d'opposition motivé auprès de la ville au plus tard le 14^e jour qui suit celui de l'envoi de l'avis.

Renvoi à la Commission municipale

236.1(7) Si elle reçoit un nombre suffisant d'oppositions dans les 14 jours suivant l'envoi de l'avis, la ville doit, avant que le conseil n'adopte en deuxième lecture le projet de règlement, le soumettre à la Commission municipale.

Audience de la Commission municipale

236.1(8) Lorsqu'un projet de règlement de zonage lui est soumis, la Commission municipale,

- a) tient une audience sur le projet de règlement dans les 120 jours qui suivent la date où le règlement lui est soumis;

(b) at least 14 days before the hearing, give notice of a hearing respecting the proposed by-law in accordance with clause 230(1)(a) (hearing by Municipal Board), which applies, with necessary changes, and by publishing a notice of the hearing on a website available to the public; and

(c) within 60 days after conducting the hearing, submit a report, with recommendations, to council in respect of the proposed by-law.

Restrictions on adoption of by-law

236.1(9) Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.

56(1) Subsection 240(1) replaced with the following:

Authority for development agreements

240(1) The city may require a person to enter into a development agreement with the city respecting the development of their land and any contiguous real property owned or leased by them if they submit an application under subsection 275(1) for any of the following:

- (a) the adoption of, or an amendment to, a zoning by-law;
- (b) the approval of a conditional use or variance.

Content of development agreement

240(1.1) A development agreement under subsection (1) may provide for any of the following:

- (a) the use of the land and any existing or proposed building;
- (b) the timing of construction of a proposed building;
- (c) the siting and design of a proposed building, including the materials to be used for the building exterior;

b) au moins 14 jours avant l'audience, donne avis de l'audience qu'elle tiendra sur le projet de règlement en conformité avec l'alinéa 230(1)a), cet alinéa s'appliquant avec les adaptations nécessaires, et publie l'avis de l'audience sur un site Web accessible au public;

c) dans les 60 jours suivant la tenue de l'audience, remet son rapport sur le projet de règlement, accompagné de ses recommandations, au conseil.

Restriction

236.1(9) Le conseil ne peut adopter un projet de règlement de zonage qui a été soumis à la Commission municipale que dans la mesure où le projet de règlement est conforme aux recommandations que la Commission a faites dans le rapport qu'elle lui a remis.

56(1) Le paragraphe 240(1) est remplacé par ce qui suit :

Pouvoir de conclure des accords d'aménagement

240(1) La ville peut exiger qu'une personne conclue avec elle un accord portant sur l'aménagement du bien-fonds et de tout bien réel contigu qui appartient à cette personne ou dont elle est locataire si cette personne présente une demande en vertu du paragraphe 275(1) pour l'un des motifs suivants :

- a) l'adoption ou la modification d'un règlement de zonage;
- b) l'approbation d'un usage conditionnel ou d'une dérogation.

Contenu de l'accord

240(1.1) L'accord visé au paragraphe (1) peut porter sur l'un ou l'autre des points suivants :

- a) l'usage du bien-fonds et des bâtiments existants ou proposés;
- b) le moment choisi pour la construction d'un bâtiment proposé;
- c) l'emplacement et les plans du bâtiment proposé, y compris les matériaux qui seront utilisés pour l'extérieur du bâtiment;

(d) the provision of affordable housing, if the application is in respect of a new residential development that is subject to a requirement under clause 236(2)(t.1);

(e) traffic control and parking facilities;

(f) landscaping, open space and grading of land;

(g) in the case of the adoption of, or an amendment to, a zoning by-law, any condition described in subsection 259(1).

d) l'offre de logement abordable, si la demande a pour objet un nouvel ensemble résidentiel soumis à l'exigence prévue à l'alinéa 236(2)t.1);

e) les installations relatives au contrôle de la circulation et au stationnement;

f) l'aménagement paysager, les espaces libres et le nivellement du terrain;

g) toute autre condition mentionnée au paragraphe 259(1), dans le cas de l'adoption ou de la modification d'un règlement de zonage.

56(2) *Subsection 240(4) is replaced with the following:*

Timing of agreement

240(4) Council may authorize the execution of a development agreement before passing a zoning by-law or approving a plan of subdivision, conditional use or variance, but such a development agreement is subject to the approval of council and to the adoption of a zoning by-law or the approval of a plan of subdivision, conditional use or variance.

56(2) *Le paragraphe 240(4) est remplacé par ce qui suit :*

Accord soumis à l'adoption d'un règlement

240(4) Le conseil peut autoriser la conclusion d'un accord d'aménagement avant l'adoption d'un règlement de zonage ou l'approbation d'un plan de lotissement, d'un usage conditionnel ou d'une dérogation; l'accord demeure toutefois assujéti à l'approbation du conseil et à l'adoption du règlement de zonage ou à l'approbation du plan de lotissement, de l'usage conditionnel ou de la dérogation.

57 *Section 240.1 is amended, in the part before clause (a), by striking out "clause 240(1)(c.1)" and substituting "clause 240(1.1)(d)".*

57 *Le passage introductif de l'article 240.1 est modifié par substitution, à « l'alinéa 240(1)c.1 », de « l'alinéa 240(1.1)d) ».*

58 *The following is added after section 240.1 and before the centred heading that follows it:*

Development agreement for a permit

240.1.1(1) As a condition of issuing a permit that authorizes the following developments, the city may require the owner of real property affected by the application to enter into a development agreement with the city respecting the development and any adjacent real property owned or leased by the owner:

(a) a prescribed major development;

58 *Il est ajouté, après l'article 240.1 mais avant l'intertitre qui lui succède, ce qui suit :*

Exigence d'un accord d'aménagement

240.1.1(1) À titre de condition de la délivrance d'un permis autorisant les aménagements qui suivent, la ville peut exiger que le propriétaire du bien réel visé par la demande conclue un accord d'aménagement avec elle à l'égard de l'aménagement et de tout bien réel contigu qui lui appartient ou dont il est locataire :

a) un aménagement important désigné par règlement;

(b) a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks or traffic control works.

b) un aménagement qui nécessite de nouvelles constructions ou l'expansion d'ouvrages existants liés aux égouts et aqueducs, à la collecte des déchets, au drainage, aux voies publiques, aux rues de jonction, à l'éclairage des rues, aux trottoirs et à la réglementation de la circulation.

Limitation

240.1.1(2) Despite subsection (1), a development agreement under this section must not impose a condition under clause 259(1)(a) or (b).

Restriction

240.1.1(2) Par dérogation au paragraphe (1), l'accord visé au présent article ne peut imposer une condition prévue à l'alinéa 259(1)a) ou b).

Regulations

240.1.1(3) The minister may make regulations prescribing a development to be a major development for the purpose of clause (1)(a).

Règlements

240.1.1(3) Le ministre peut, par règlement, déterminer quels sont les cas d'aménagement important pour l'application de l'alinéa (1)a).

59 *The centred heading "PERMITS" is added after section 244.*

59 *Il est ajouté, après l'article 244, l'intertitre « PERMIS ».*

60(1) *The following is added after subsection 246(1):*

60(1) *Il est ajouté, après le paragraphe 246(1), ce qui suit :*

Application for permit

246(1.1) In respect of an application for a permit to which this section relates,

Demande de permis

246(1.1) La ville donne au propriétaire du bien réel une confirmation écrite de la date à laquelle elle a reçu sa demande de permis; un employé désigné détermine, dans les 20 jours qui suivent la réception de la demande, si celle-ci est complète.

(a) the city must give the owner of real property written confirmation of the date their application was received by the city; and

(b) a designated employee must, within 20 days after the application is received, determine if the application is complete.

When application is complete

246(1.2) An application is complete if, in the opinion of the designated employee, the application contains the documents and other information necessary to review the application.

Critères d'évaluation

246(1.2) La demande est complète si, de l'avis de l'employé désigné, elle comporte tous les renseignements et est accompagnée de tous les documents nécessaires à son examen.

Extension by agreement

246(1.3) The time period referred to in clause (1.1)(b) may be extended by an agreement in writing between the applicant and the city.

Prolongation consensuelle du délai

246(1.3) L'auteur de la demande et la ville peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (1.1).

Applications to be forwarded

246(1.4) The designated employee must ensure that a completed application is forwarded to council as soon as reasonably practicable.

60(2) Subclause 246(2)(b)(ii) is amended by striking out "subsection 236(3)" and substituting "subsection 236.1(2)".

61 The following is added after section 246 and before the centred heading that follows it:

Failing to issue permit when by-law changes are not pending

246.1 If a permit that is subject to section 246 is withheld for longer than 60 days, the owner of the land is entitled to compensation for damages resulting from the withholding of the permit — except as provided in clauses 246(2)(b) and (c) — and subsections 245(2) and (3) apply, with necessary changes, in respect of the withholding.

62 Subsection 251(2) is replaced with the following:

Appeals to committee of council

251(2) An appeal under subsection (1) must be heard by a designated committee of council.

63(1) Clause 270(1)(b) is amended by adding "planning region or" before "planning district".

63(2) Subsection 270(3) of the French version is amended by striking out "règlement municipal" and substituting "projet de règlement municipal portant".

Remise au conseil

246(1.4) L'employé désigné veille à ce que la demande complète soit remise au conseil dès que raisonnablement possible.

60(2) L'alinéa 246(2)b) est modifié par substitution, à « 236(3) », de « 236.1(2) ».

61 Il est ajouté, après l'article 246 mais avant l'intertitre qui lui succède, ce qui suit :

Non-délivrance du permis

246.1 Si un permis visé par l'article 246 est retenu pendant plus de 60 jours, le propriétaire du bien-fonds a le droit d'être indemnisé des dommages qui en découlent — sauf dans la mesure prévue aux alinéas 246(2)b) et c) — et les paragraphes 245(2) et (3) s'appliquent, avec les adaptations nécessaires, à cette rétention.

62 Le paragraphe 251(2) est remplacé par ce qui suit :

Appels à un comité du conseil

251(2) Les appels interjetés en vertu du paragraphe (1) sont entendus par un comité désigné du conseil.

63(1) Le paragraphe 270(1) est modifié par substitution, à « la commission d'un district d'aménagement », de « le conseil d'une région d'aménagement du territoire ou la commission d'un district d'aménagement du territoire ».

63(2) Le paragraphe 270(3) de la version française est modifié par substitution, à « règlement municipal », de « projet de règlement municipal portant ».

64(1) *Clause 274(2)(a) is amended by striking out ", but only in relation to an amendment to Plan Winnipeg initiated by an application made under clause 225(1)(b)" and substituting "(hearing on Plan Winnipeg)".*

64(1) *L'alinéa 274(2)a) est modifié par suppression du passage qui suit « l'alinéa 227(1)b) ».*

64(2) *Clause 274(2)(c) is amended by striking out "subsection 236(3)" and substituting "subsection 236.1(2)".*

64(2) *L'alinéa 274(2)c) est modifié par substitution, à « 236(3) », de « 236.1(2) ».*

65(1) *Subsection 275(1) is replaced with the following:*

65(1) *Le paragraphe 275(1) est remplacé par ce qui suit :*

Initiation of development proposals

275(1) An application for the following may be made by the owner of the real property to which the application refers:

- (a) an amendment to a secondary plan;
- (b) the adoption of, or an amendment to, a zoning by-law;
- (c) the approval of a plan of subdivision, conditional use or variance;
- (d) an amendment to a development agreement;
- (e) consent to registration or filing of a conveyance.

Initiative

275(1) Les demandes qui suivent peuvent être faites par le propriétaire du bien réel concerné :

- a) la modification d'un plan secondaire;
- b) l'adoption ou la modification d'un règlement de zonage;
- c) l'approbation d'un plan de lotissement, d'un usage conditionnel ou d'une dérogation;
- d) la modification d'un accord d'aménagement;
- e) le consentement à l'enregistrement ou au dépôt d'un acte de transfert.

65(2) *Clause 275(2)(a) is amended by adding "the regional planning by-law of the Capital Planning Region," before "Plan Winnipeg".*

65(2) *Le paragraphe 275(2) est remplacé par ce qui suit :*

Rejet des demandes

275(2) Si, de l'avis d'un employé désigné, une demande faite en vertu du paragraphe (1) :

- a) n'est pas conforme au règlement régional d'aménagement du territoire de la région d'aménagement du territoire de la capitale, au plan de la ville de Winnipeg ou à un plan secondaire applicable au secteur dans lequel le bien réel concerné se trouve, cette demande doit être refusée sans audience;

b) est identique ou presque identique à une demande antérieure qui a été rejetée au cours de l'année précédant la date de présentation de la nouvelle demande, cette dernière peut être refusée sans audience.

65(3) *The following is added after subsection 275(2):*

Appeal of rejection

275(3) A refusal of an application under subsection (2) may be appealed by the owner in accordance with section 282.1.

65(3) *Il est ajouté, après le paragraphe 275(2), ce qui suit :*

Appel du refus

275(3) Le propriétaire peut interjeter appel en conformité avec l'article 282.1 du refus de sa demande en vertu du paragraphe (2).

66 *Section 277 is amended*

(a) in the part before clause (a), by adding "or an appeal under section 282.1 or 282.2 (appeals to Municipal Board)" before ", the notice"; and

(b) in subclause (b)(ii), by striking out "on any municipality" and substituting "the Capital Planning Region and any municipality".

66 *L'article 277 est modifié :*

a) dans le passage introductif, par adjonction, avant « , les avis », de « ou des appels interjetés en vertu des articles 282.1 ou 282.2 »;

b) dans le sous-alinéa b)(ii), par substitution, au passage qui suit « concerne », de « un règlement municipal sur le plan de la ville de Winnipeg ou un règlement de zonage, la région d'aménagement du territoire de la capitale et toute municipalité, ou la commission de tout district d'aménagement, dont toute partie est située dans un rayon d'un kilomètre de tout bien réel visé par l'audience, ».

67(1) *Subsection 278(2) is repealed.*

67(2) *Subsection 278(3) is amended by striking out "under subsection (2)".*

68 *The following is added after subsection 280(2):*

Reasons for rejection

280(2.1) A hearing body that rejects an application must provide written reasons for the rejection.

67(1) *Le paragraphe 278(2) est abrogé.*

67(2) *Le paragraphe 278(3) est modifié par suppression de « visée au paragraphe (2) ».*

68 *Il est ajouté, après le paragraphe 280(2), ce qui suit :*

Motifs du rejet

280(2.1) L'organisme d'audience qui rejette une demande est tenu de donner par écrit les motifs de sa décision.

69 *Section 281 is renumbered as subsection 281(1) and the following is added as subsection 281(2):*

Reasons for rejection

281(2) Council must provide written reasons if council rejects a by-law under clause (1)(b).

70 *The following is added after section 282 as part of Part 6:*

APPEALS TO THE MUNICIPAL BOARD

Appeal of decisions

282.1(1) The owner of real property to which an application under subsection 275(1) relates may appeal the following decisions to The Municipal Board:

- (a) the refusal or rejection of
 - (i) an application respecting a secondary plan by-law or a zoning by-law, or
 - (ii) an application to approve a plan of subdivision;
- (b) the refusal of an application to amend a development agreement;
- (c) the refusal to consent to registration or filing of a conveyance;
- (d) a decision to impose conditions on the approval of an application referred to in clauses (a) or (b);
- (e) a decision to reject an application for a permit for a proposed development as not conforming to the regional planning by-law of the Capital Planning Region, a Plan Winnipeg by-law or a secondary plan by-law;
- (f) a decision of a designated employee that an application is incomplete.

69 *L'article 281 est modifié par substitution, à son numéro, du numéro de paragraphe 281(1) et par adjonction de ce qui suit :*

Motifs du rejet

281(2) Le conseil qui rejette un règlement municipal en vertu de l'alinéa (1)b) est tenu de donner par écrit les motifs de sa décision.

70 *Il est ajouté, après l'article 282 mais dans la partie 6, ce qui suit :*

APPELS À LA COMMISSION MUNICIPALE

Appel des décisions

282.1(1) Le propriétaire du bien réel auquel la demande faite en vertu du paragraphe 275(1) s'applique peut interjeter appel des décisions qui suivent auprès de la Commission municipale :

- a) le refus ou le rejet :
 - (i) d'une demande de modification d'un règlement municipal sur un plan secondaire ou d'un règlement de zonage,
 - (ii) d'une demande d'approbation d'un plan de lotissement;
- b) le refus d'une demande de modification d'un accord d'aménagement;
- c) le refus de consentir à l'enregistrement ou au dépôt d'un acte de transfert;
- d) la décision d'imposer des conditions à l'approbation d'une demande visée aux alinéas a) ou b);
- e) la décision de rejeter une demande de permis d'aménagement pour non-conformité au règlement régional d'aménagement du territoire de la région d'aménagement du territoire de la capitale, à un règlement municipal sur le plan de la ville de Winnipeg ou à un règlement municipal sur un plan secondaire;

f) la décision, prise par un employé désigné, qu'une demande est incomplète.

No appeal if conformance with Municipal Board recommendations

282.1(2) Despite subsection (1), no appeal may be made in respect of a zoning by-law, or a condition that is imposed in respect of a zoning by-law, that conforms with the requirements under subsection 236.1(9).

Time limit for appeal

282.1(3) An appeal may be commenced by sending a notice of appeal to The Municipal Board within 14 days after the notice of decision is received.

Notice of appeal

282.1(4) A notice of appeal must include the following information:

- (a) the legal description of the land that is subject to the application;
- (b) the name and address of the appellant;
- (c) if the decision relates to conditions imposed on an approval, a description of the conditions being appealed.

Notice and appeal hearing

282.1(5) On receiving an appeal, The Municipal Board must

- (a) give notice of a hearing respecting the appeal by ordinary mail to
 - (i) the city,
 - (ii) every person who made submissions at a public hearing conducted by a committee of council respecting the application,
 - (iii) every person who filed an objection to the application, and
 - (iv) any other person as the Board considers advisable,

Aucun appel en cas de conformité avec les recommandations de la Commission municipale

282.1(2) Malgré le paragraphe (1), aucun appel ne peut être fait à l'égard d'un règlement de zonage ou à l'égard d'une condition qui est imposée à un règlement de zonage, si le règlement est conforme au paragraphe 236.1(9).

Délai d'appel

282.1(3) L'appel peut être interjeté par l'envoi d'un avis d'appel à la Commission municipale dans les 14 jours qui suivent la réception de l'avis de la décision.

Avis d'appel

282.1(4) L'avis d'appel comprend les renseignements suivants :

- a) la description légale du bien-fonds visé par la demande;
- b) le nom et l'adresse de l'appellant;
- c) si la décision portée en appel se rapporte aux conditions imposées à l'égard d'une approbation, une description des conditions faisant l'objet de l'appel.

Avis et audience d'appel

282.1(5) Dès qu'elle reçoit l'avis d'appel, la Commission municipale :

- a) envoie l'avis d'audience y afférent par la poste :
 - (i) à la ville,
 - (ii) à toutes les personnes qui ont présenté des observations lors d'une audience publique tenue par un comité du conseil au sujet de la demande,
 - (iii) à toutes les personnes qui ont déposé une opposition à la demande,
 - (iv) à toute autre personne à qui elle estime indiqué de le faire parvenir,
- et donne tout autre avis de l'audience de toute autre façon qu'elle juge indiquée;

and give such other notice of the hearing and in such other manner as the Board considers advisable; and

(b) within 120 days after receiving the appeal, conduct a hearing respecting the appeal.

Additional notice: airport vicinity protection area

282.1(6) If an appeal concerns real property within the airport vicinity protection area,

(a) The Municipal Board must give notice of the hearing to each of the parties described in clause 270(1)(b); and

(b) a notice of objection filed under clause 270(1)(b) or section 272 by a party who receives such a notice is of no force and effect.

Decision of Municipal Board

282.1(7) The Municipal Board must, by order, either dismiss the appeal or make any decision that council, the committee of council, the planning commission or the employee designated to deal with the matter could have made.

Conditions

282.1(8) An order may be made subject to any terms or conditions The Municipal Board considers advisable, including any condition that council, the committee of council, the planning commission or the employee designated to deal with the matter could have imposed.

Notice of decision

282.1(9) The Municipal Board must make its order within 60 days after the hearing is concluded and must send a copy of the order to council, the appellant and any other party to the appeal.

Decision not subject to appeal

282.1(10) Subject to section 495, a decision of The Municipal Board on an appeal is final and not subject to further appeal.

b) tient l'audience dans les 120 jours qui suivent la réception de l'avis d'appel.

Avis supplémentaire — zone tampon de l'aéroport

282.1(6) Si l'appel est interjeté à l'égard de biens réels situés dans la zone tampon de l'aéroport :

a) la Commission municipale donne avis de l'audience à chacune des parties mentionnées au paragraphe 270(1);

b) tout avis d'opposition déposé en vertu du paragraphe 270(1) ou de l'article 272 par une partie qui reçoit un tel avis est sans effet.

Décision de la Commission municipale

282.1(7) La Commission municipale doit, par ordonnance, rejeter l'appel ou prendre toute décision qu'aurait pu prendre le conseil, le comité du conseil, la commission de planification ou l'employé désigné pour s'occuper de la question.

Conditions

282.1(8) L'ordonnance peut être rendue sous réserve des modalités et conditions que la Commission municipale juge indiquées, notamment toute condition qu'aurait pu imposer le conseil, le comité du conseil, la commission de planification ou l'employé désigné pour s'occuper de la question.

Avis de la décision

282.1(9) La Commission municipale rend son ordonnance dans les 60 jours qui suivent la fin de l'audience et en envoie une copie au conseil, à l'appelant et à toute autre partie à l'appel.

Décision définitive et sans appel

282.1(10) Sous réserve de l'article 495, la décision que la Commission municipale rend à l'égard d'un appel est définitive et ne peut faire l'objet d'aucun autre appel.

Effect of decision: plans of subdivision

282.1(11) Council continues to have jurisdiction under subsection 266(1) in respect of a plan of subdivision that is subject to an order made under this section.

Effect of decision: development agreements

282.1(12) The city must not require the owner of property that is affected by an order made under this section to enter into a development agreement unless The Municipal Board requires a development agreement as a condition under subsection (8).

Appeals concerning failing to proceed

282.2(1) For the following matters that are not decided within the period that is specified, an applicant may consider their application to have been rejected and may appeal the rejection to The Municipal Board under section 282.1:

- (a) an application for an amendment to a secondary plan or a zoning by-law within 150 days after the completed application is received by the city;
- (b) an application for the approval of a plan of subdivision, within
 - (i) 60 days after the completed application is received by the city, if council has authorized a designated employee to make a final decision respecting the plan of subdivision, or
 - (ii) 150 days, in any other case;
- (c) an application for the approval of an amendment to a development agreement within 90 days after the completed application is received by the city;
- (d) an application for consent to registration or filing of a conveyance within 90 days after the completed application is received by the city;
- (e) for a development agreement executed under subsection 240(4) or ordered by The Municipal Board under section 282.1 within 90 days after the applicable zoning by-law, plan of subdivision, conditional use or variance being approved by the city or ordered by The Municipal Board;

Effet de la décision — plans de lotissement

282.1(11) Le conseil a toujours compétence au titre du paragraphe 266(1) à l'égard d'un plan de lotissement qui fait l'objet d'une ordonnance rendue sous le régime du présent article.

Effet de la décision — accords d'aménagement

282.1(12) La ville ne peut exiger du propriétaire du bien visé par une ordonnance rendue sous le régime du présent article qu'il conclue un accord d'aménagement à moins que la Commission municipale n'ait imposé une telle condition en vertu du paragraphe (8).

Présomption de rejet

282.2(1) L'auteur de la demande peut conclure que sa demande a été rejetée et peut porter la question en appel devant la Commission municipale en vertu de l'article 282.1 si aucune décision n'est rendue à son sujet avant l'expiration de celui des délais suivants qui s'applique :

- a) dans le cas d'une demande de modification d'un plan secondaire ou d'un règlement de zonage, dans les 150 jours qui suivent la réception par la ville de sa demande complète;
- b) dans le cas d'une demande d'approbation d'un plan de lotissement :
 - (i) dans les 60 jours qui suivent la réception par la ville de la demande complète, si le conseil a autorisé un employé désigné à prendre la décision définitive au sujet du plan de lotissement,
 - (ii) dans les 150 jours qui suivent la réception par la ville de la demande complète, dans les autres cas;
- c) dans le cas d'une demande d'approbation d'une modification d'un accord d'aménagement, dans les 90 jours qui suivent la réception par la ville de la demande complète;
- d) dans le cas d'une demande de consentement à l'enregistrement ou au dépôt d'un acte de transfert, dans les 90 jours qui suivent la réception par la ville de la demande complète;

(f) for a development agreement required under section 240.1.1 within the longer of 90 days after the issuance of the permit or the expiry of the time period that applies under section 246.

e) dans le cas d'un accord d'aménagement conclu en vertu du paragraphe 240(4) ou ordonné par la Commission municipale en vertu de l'article 282.1, dans les 90 jours qui suivent l'approbation par la ville du règlement de zonage, du plan de lotissement, de l'usage conditionnel ou de la dérogation visés ou de l'ordonnance rendue par la Commission municipale à ce sujet;

f) dans le cas de l'obligation de conclure un accord d'aménagement sous le régime de l'article 240.1.1, dans les 90 jours qui suivent la délivrance du permis ou à l'expiration de la période qui s'applique sous le régime de l'article 246, si cette date est postérieure.

No decision from combined hearing

282.2(2) The applicant may consider their application to have been rejected and may make an appeal under this section if

(a) a combined hearing is held under section 278 in respect of a proposed development; and

(b) the longest applicable time period in subsection (1) expires without a decision.

Conséquence de l'audience conjointe

282.2(2) L'auteur de la demande peut conclure que sa demande est rejetée et peut interjeter appel en vertu du présente article si :

a) une audience conjointe est tenue sous le régime de l'article 278 à l'égard d'un projet d'aménagement proposé;

b) la plus longue période applicable sous le régime du paragraphe (1) expire sans qu'aucune décision n'ait été rendue.

Filing an appeal

282.2(3) An appeal may be commenced at any time within 14 days after the expiry of the applicable time period set out in clauses (1)(a) to (g), and section 282.1, except subsection 282.1(3), applies to an appeal.

Dépôt de l'appel

282.2(3) L'appel peut être interjeté dans les 14 jours qui suivent l'expiration de la période applicable visée aux alinéas (1)a) à g), et l'article 282.1 s'applique à l'appel, à l'exception de son paragraphe (3).

Costs on appeal re failing to proceed

282.2(4) If, in respect of an appeal under this section, The Municipal Board is satisfied that there was an unreasonable delay by the city in dealing with the appellant's application, the Board may make an order requiring the city to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Frais d'appel

282.2(4) Dans le cas de l'appel visé au présent article, la Commission municipale, si elle est convaincue que la ville est responsable de délais déraisonnables dans le traitement de la demande de l'appelant, peut rendre une ordonnance enjoignant à la ville de payer la totalité ou une partie des frais que la Commission municipale a elle-même engagés pour entendre l'appel, ainsi que des frais raisonnables que l'appelant a engagés pour l'appel.

Board retains discretion as to costs

282.2(5) For certainty, nothing in subsection (4) limits the discretion of The Municipal Board under section 58 of *The Municipal Board Act*.

Pouvoir discrétionnaire de la Commission municipale en matière de frais

282.2(5) Il demeure entendu que le paragraphe (4) ne porte pas atteinte au pouvoir discrétionnaire que l'article 58 de la *Loi sur la Commission municipale* confère à la Commission municipale.

PART 3**TRANSITIONAL AND
CONSEQUENTIAL AMENDMENTS**

Transitional — prior applications under Planning Act
 71(1) *An application made but not completed under*
The Planning Act *before the coming into force of this*
section is to be dealt with under ***The Planning Act*** *as*
if this section had not come into force.

Transitional — regional planning by-laws
 71(2) *Subsection (1) does not apply in respect of*
subsection 10.9(2) (regional planning by-law is
effective immediately) of ***The Planning Act***, *as enacted*
by section 3 of this Act.

Transitional — prior applications under Winnipeg
Charter
 72(1) *An application made but not completed under*
Part 6 of ***The City of Winnipeg Charter*** *before the*
coming into force of this section is to be dealt with
under that Part as if this section had not come into
force.

Transitional — regional planning by-laws
 72(2) *Subsection (1) does not apply in respect of*
subsection 10.9(2) (regional planning by-law is
effective immediately) of ***The Planning Act***, *as enacted*
by section 3 of this Act.

PARTIE 3**DISPOSITIONS TRANSITOIRES ET
MODIFICATIONS CORRÉLATIVES**

Disposition transitoire — demandes antérieures
présentées en vertu de la ***Loi sur l'aménagement du***
territoire

71(1) *Les demandes qui ont été présentées en vertu*
de la ***Loi sur l'aménagement du territoire*** *dont l'étude*
a été commencée, mais qui n'ont pas été tranchées
avant l'entrée en vigueur du présent article sont traitées
en conformité avec cette loi comme si le présent article
n'était pas entré en vigueur.

Disposition transitoire — règlements régionaux
d'aménagement du territoire

71(2) *Le paragraphe (1) ne s'applique pas*
relativement au paragraphe 10.9(2) de la ***Loi sur***
l'aménagement du territoire, *édicte par l'article 3 de la*
présente loi.

Disposition transitoire — demandes antérieures
présentées en vertu de la ***Charte de la ville***
de Winnipeg

72(1) *Les demandes qui ont été présentées en vertu*
de la partie 6 de la ***Charte de la ville de Winnipeg*** *dont*
l'étude a été commencée, mais qui n'ont pas été
tranchées avant l'entrée en vigueur du présent article
sont traitées en conformité avec cette partie comme si
le présent article n'était pas entré en vigueur.

Disposition transitoire — règlements régionaux
d'aménagement du territoire

72(2) *Le paragraphe (1) ne s'applique pas*
relativement au paragraphe 10.9(2) de la ***Loi sur***
l'aménagement du territoire, *édicte par l'article 3 de la*
présente loi.

C.C.S.M. c. A132 amended

73 The definition "local authority" in section 1 of **The Archives and Recordkeeping Act** is amended in clause (d) by adding "planning region or" before "planning district".

Modification du c. A132 de la C.P.L.M.

73 L'alinéa d) de la définition d'« administration locale » figurant à l'article 1 de la **Loi sur les archives et la tenue de dossiers** est modifié par substitution, à « district d'aménagement établi », de « région d'aménagement du territoire ou district d'aménagement du territoire établis ».

C.C.S.M. c. C44 amended

74(1) **The CentrePort Canada Act** is amended by this section.

Modification du c. C44 de la C.P.L.M.

74(1) Le présent article modifie la **Loi sur la Société CentrePort Canada**.

74(2) Clause 8(a) is amended by striking out "referred to in *The Capital Region Partnership Act*" and substituting "a regional member municipality of the Capital Planning Region, as established under section 8 of *The Planning Act*".

74(2) L'alinéa 8a) est modifié par substitution, à « des municipalités mentionnées dans la *Loi sur le partenariat de la région de la capitale* », de « municipalité régionale participante qui fait partie de la région d'aménagement du territoire de la capitale constituée comme le prévoit l'article 8 de la *Loi sur l'aménagement du territoire* ».

74(3) The following is added after subsection 21(1):

74(3) Il est ajouté, après le paragraphe 21(1), ce qui suit :

Regional plan

21(1.1) The comprehensive plan developed under subsection (1) must be generally consistent with the regional planning by-law of the Capital Planning Region.

Plan régional

21(1.1) Le plan détaillé élaboré en conformité avec le paragraphe (1) doit être généralement compatible avec le règlement régional d'aménagement du territoire de la région d'aménagement du territoire de la capitale.

C.C.S.M. c. E125 amended

75 Clause 40.3(1)(b) of **The Environment Act** is amended, in the part before subclause (i), by striking out "a municipality named in clauses 3(1)(a) to (o) of *The Capital Region Partnership Act*" and substituting "the City of Selkirk, the Town of Stonewall or the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché or West St. Paul".

Modification du c. E125 de la C.P.L.M.

75 Le passage introductif de l'alinéa 40.3(1)b) de la **Loi sur l'environnement** est modifié par substitution, à « dans une municipalité que mentionnent les alinéas 3(1)a) à o) de la *Loi sur le Partenariat de la région de la capitale* », de « dans la ville de Selkirk, la ville de Stonewall ou les municipalités rurales de Cartier, d'East St. Paul, de Headingley, de Macdonald, de Ritchot, de Rockwood, de Rosser, de Springfield, de St. Andrews, de St. Clements, de Saint-François-Xavier, de Taché ou de West St. Paul ».

C.C.S.M. c. F175 amended

76 The definition "local government body" in subsection 1(1) of **The Freedom of Information and Protection of Privacy Act** is amended in clause (e) by adding "planning region or" before "planning district".

Modification du c. F175 de la C.P.L.M.

76 L'alinéa e) de la définition d'« organisme d'administration locale » figurant au paragraphe 1(1) de la **Loi sur l'accès à l'information et la protection de la vie privée** est modifié par substitution, à « district d'aménagement établi », de « région d'aménagement du territoire ou district d'aménagement du territoire établis ».

C.C.S.M. c. H175 amended

77 The definition "local authority" in section 1 of **The Human Rights Code** is amended in clause (d) by adding "planning region or" before "planning district".

Modification du c. H175 de la C.P.L.M.

77 L'alinéa d) de la définition d'« autorité locale » figurant à l'article 1 du **Code des droits de la personne** est modifié par substitution, à « la commission d'un district d'aménagement établi », de « le conseil d'une région d'aménagement du territoire ou la commission d'un district d'aménagement du territoire établis ».

C.C.S.M. c. M225 amended

78 The definition "local authority" in subsection 1(1) of **The Municipal Act** is amended in clause (a) by adding "planning region or" before "planning district".

Modification du c. M225 de la C.P.L.M.

78 L'alinéa a) de la définition d'« autorité locale » figurant au paragraphe 1(1) de la **Loi sur les municipalités** est modifié par substitution, à « District d'aménagement constitué », de « Région d'aménagement du territoire ou district d'aménagement du territoire constitués ».

C.C.S.M. c. N100 amended

79 The definition "local authority" in section 1 of **The Northern Affairs Act** is amended in clause (a) by adding "planning region or" before "planning district".

Modification du c. N100 de la C.P.L.M.

79 L'alinéa a) de la définition d'« autorité locale » figurant à l'article 1 de la **Loi sur les affaires du Nord** est modifié par substitution, à « District d'aménagement du territoire établi », de « Région d'aménagement du territoire ou district d'aménagement du territoire établis ».

C.C.S.M. c. R38 amended

80 Subsection 10(4) of **The Regional Waste Management Authorities Act** is amended by striking out "the council of a municipality or planning district board in which the land is situated regarding any and all matters as to which the council or planning district board" and substituting "the council of a municipality, planning district board or board of a planning region in which the land is situated regarding any and all matters as to which the council or board".

C.C.S.M. c. S207 amended

81 The definition "local authority" in subsection 8(3) of **The Statutes and Regulations Act** is amended in clause (a) by adding "planning region or" before "planning district".

Modification du c. R38 de la C.P.L.M.

80 Le paragraphe 10(4) de la **Loi sur les offices régionaux de gestion des déchets** est remplacé par ce qui suit :

Directives

10(4) Par dérogation à toute autre disposition de la présente loi, de la *Loi sur les municipalités* ou de la *Loi sur l'aménagement du territoire*, avant de rendre sa décision sur la demande visée au paragraphe (1), la Commission municipale peut, par ordonnance, donner des directives au conseil de la municipalité, du district d'aménagement du territoire ou de la région d'aménagement du territoire dans lequel est situé le bien-fonds, relativement à toutes les questions dont peut être saisi le conseil concerné en vertu de la *Loi sur les municipalités* ou de la *Loi sur l'aménagement du territoire*, y compris l'usage du bien-fonds. L'ordonnance de la Commission municipale a force de loi.

Modification du c. S207 de la C.P.L.M.

81 L'alinéa a) de la définition d'« autorité locale » figurant au paragraphe 8(3) de la **Loi sur les textes législatifs et réglementaires** est modifié par substitution, à « districts scolaires ou de divisions scolaires ou de districts d'aménagement », de « districts scolaires, de divisions scolaires, de régions d'aménagement du territoire ou de districts d'aménagement du territoire ».

PART 4

REVIEW, REPEAL AND COMING INTO FORCE

Review

82(1) *Within three years after the coming into force of this section, the minister must undertake a comprehensive review of the amendments made by this Act that includes public representations.*

Tabling report in Assembly

82(2) *Within one year after the review is undertaken or within any longer period that the Legislative Assembly allows, the minister must table a report on the review in the Assembly.*

Repeal

83 *The Capital Region Partnership Act, S.M. 2005, c. 32, is repealed.*

Coming into force

84 *This Act comes into force on a day to be fixed by proclamation.*

PARTIE 4

EXAMEN, ABROGATION ET ENTRÉE EN VIGUEUR

Examen

82(1) *Dans les trois ans qui suivent l'entrée en vigueur du présent article, le ministre entreprend un examen complet des modifications apportées par la présente loi; des audiences publiques sont tenues dans le cadre de cet examen.*

Rapport déposé devant l'Assemblée

82(2) *Le ministre dispose d'un an après avoir entrepris son examen, ou de tout délai supérieur autorisé par l'Assemblée législative, pour déposer devant celle-ci un rapport portant sur cet examen.*

Abrogation

83 *La Loi sur le Partenariat de la région de la capitale, c. 32 des L.M. 2005, est abrogée.*

Entrée en vigueur

84 *La présente loi entre en vigueur à la date fixée par proclamation.*



**THE CITY OF WINNIPEG CHARTER
AMENDMENT AND PLANNING
AMENDMENT ACT**

**LOI MODIFIANT LA CHARTE DE
LA VILLE DE WINNIPEG ET LA LOI
SUR L'AMÉNAGEMENT DU
TERRITOIRE**

STATUTES OF MANITOBA 2022

LOIS DU MANITOBA 2022

Chapter 27

Chapitre 27

Bill 34
4th Session, 42nd Legislature

Projet de loi 34
4^e session, 42^e législature

Assented to June 1, 2022

Date de sanction : 1^{er} juin 2022

EXPLANATORY NOTE

This note was written as a reader's aid to the Bill and is not part of the law.

This Bill amends *The City of Winnipeg Charter* and *The Planning Act*.

The key changes to *The City of Winnipeg Charter* are as follows.

- Individuals who are not employees of the city may be appointed to act as inspectors and issue orders to remedy contraventions.
- The city may serve certain compliance orders and demolition orders by substitutional service, as directed by the district registrar for the Winnipeg Land Titles Office, if it is not reasonably possible to serve the order personally.
- The city may now require secondary plans to be prepared and submitted by a property owner before certain applications made by the owner for adoption, or amendment to, a zoning by-law or approval of a plan of subdivision are considered.
- Timelines for planning appeals are clarified and may be extended with the agreement of the applicant.
- The manner for giving notice of public hearings concerning development applications is updated.

The key changes to *The Planning Act* are as follows.

- Timelines for application processing and planning appeals are clarified and may be extended with the agreement of the applicant.
- The deadline for appeal to The Municipal Board is changed from 30 days to 14 days for appeals concerning subdivisions, aggregate quarries and large-scale livestock operations.
- The expiry date of an approved variance may be extended for up to three years.

NOTE EXPLICATIVE

Le projet de loi comportait la note qui suit à titre de complément d'information; elle ne fait pas partie de la loi.

Le présent projet de loi modifie la *Charte de la ville de Winnipeg* et la *Loi sur l'aménagement du territoire*.

Les principales modifications apportées à la *Charte de la ville de Winnipeg* sont les suivantes :

- Les personnes qui ne sont pas des employés de la ville de Winnipeg peuvent être nommées à titre d'inspecteurs et peuvent délivrer des ordres pour remédier à des contraventions.
- La ville peut signifier certains ordres d'observation ou de démolition par mode substitutif de signification, selon les directives du registraire de district du Bureau des titres fonciers de Winnipeg, lorsqu'il n'est pas raisonnablement possible de le faire en mains propres.
- La ville peut désormais exiger que les propriétaires de biens réels préparent et remettent un plan secondaire avant l'examen de certaines de leurs demandes d'adoption ou de modification d'un règlement de zonage ou d'approbation d'un plan de lotissement.
- Les délais d'appel visant les aménagements sont clarifiés et peuvent être prolongés avec l'accord de l'auteur de la demande.
- La manière de donner avis d'audiences publiques portant sur des demandes d'aménagement est actualisée.

Quant à la *Loi sur l'aménagement du territoire*, les principales modifications apportées sont les suivantes :

- Les délais s'appliquant au traitement des demandes et aux appels visant les aménagements sont clarifiés et peuvent être prolongés avec l'accord de l'auteur de la demande.
 - Le délai visant les appels interjetés devant la Commission municipale qui portent sur les lotissements, les carrières d'agrégat et les exploitations de bétail à grande échelle passe de 30 à 14 jours.
 - Les dérogations approuvées, qui cessent normalement d'avoir effet après 12 mois, peuvent être prolongées d'une ou de deux périodes supplémentaires de 12 mois.
-

Consequential amendments are made to *The Planning Amendment and City of Winnipeg Charter Amendment Act* (unproclaimed) and *The CentrePort Canada Act*.

Des modifications corrélatives sont apportées à la *Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg* (non proclamée) et à la *Loi sur la Société CentrePort Canada*.

CHAPTER 27

THE CITY OF WINNIPEG CHARTER AMENDMENT AND PLANNING AMENDMENT ACT

(Assented to June 1, 2022)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1

THE CITY OF WINNIPEG CHARTER

S.M. 2002 c. 39 amended

1 The City of Winnipeg Charter is amended by this Part.

2 Section 1 is amended

(a) by adding the following definitions:

"designated official", when used in a provision of this Act, means an individual appointed or designated by council to carry out

- (a) a responsibility under that provision, or
- (b) a responsibility in respect of a by-law to which reference is made in that provision; (« agent désigné »)

CHAPITRE 27

LOI MODIFIANT LA CHARTE DE LA VILLE DE WINNIPEG ET LA LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

(Date de sanction : 1^{er} juin 2022)

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

PARTIE 1

CHARTRE DE LA VILLE DE WINNIPEG

Modification du c. 39 des L.M. 2002

1 La présente partie modifie la Charte de la ville de Winnipeg.

2 L'article 1 est modifié :

a) par adjonction des définitions suivantes :

« **agent désigné** » Dans une disposition donnée de la présente loi, s'entend d'une personne que le conseil nomme ou désigne afin de la charger d'une responsabilité particulière en vertu de cette disposition ou de lui confier une responsabilité particulière à l'égard d'un règlement municipal mentionné dans cette disposition. ("designated official")

"development plan" means the plan adopted by council under section 224 for development in the city; (« plan d'aménagement »)

"development plan by-law" means a by-law passed under Part 6

(a) to adopt, re-adopt, replace or amend the development plan, or

(b) to amend a by-law referred to in clause (a); (« règlement municipal sur le plan d'aménagement »)

"secondary plan" means a land use plan for a specific neighbourhood, district or area of the city adopted under subsection 234.7(2); (« plan secondaire »)

(b) by replacing the definition "secondary plan by-law" with the following:

"secondary plan by-law" means a by-law passed under Part 6

(a) to adopt, re-adopt, replace or amend a secondary plan, or

(b) to amend a by-law referred to in clause (a); (« règlement municipal sur un plan secondaire »)

(c) by repealing the definition "Plan Winnipeg by-law".

3 Subsection 116(1) is amended, in the part before clause (a), by adding "individual or" after "or other".

4 Section 120 is renumbered as subsection 120(1) and the following is added as subsection 120(2):

« plan d'aménagement » Le plan adopté par le conseil en vertu de l'article 224 pour les aménagements entrepris dans la ville. ("development plan")

« plan secondaire » Plan d'usage de biens-fonds adopté en vertu du paragraphe 234.7(2) qui vise un quartier, un district ou un secteur de la ville. ("secondary plan")

« règlement municipal sur le plan d'aménagement » Règlement municipal adopté en vertu de la partie 6 qui adopte, adopte de nouveau, remplace ou modifie le plan d'aménagement. La présente définition s'entend également de tout règlement modificatif visant un tel règlement. ("development plan by-law")

b) par substitution, à la définition de « règlement municipal sur un plan secondaire », de ce qui suit :

« règlement municipal sur un plan secondaire » Règlement municipal adopté en vertu de la partie 6 qui adopte, adopte de nouveau, remplace ou modifie un plan secondaire. La présente définition s'entend également de tout règlement modificatif visant un tel règlement. ("secondary plan by-law")

c) par suppression de la définition de « Règlement municipal sur le plan de la ville de Winnipeg ».

3 Le passage introductif du paragraphe 116(1) est modifié par substitution, à « , un comité du conseil, un employé ou un organisme autorisé par la présente loi ou par le conseil », de « ou un de ses comités, ou encore tout employé ou organisme ou toute personne autorisés par la présente loi ou par le conseil, ».

4 L'article 120 devient le paragraphe 120(1) et il est ajouté, à titre de paragraphe 120(2), ce qui suit :

Application — designated officials

120(2) Clauses (1)(b) and (c) apply with necessary changes to an order issued by a designated official.

5(1) Subsection 180(1) is amended, in the part before clause (a), by adding "or designated official" after "designated employee".

5(2) Subsection 180(2) is replaced with the following:

Identification

180(2) A designated employee or designated official exercising any authority under subsection (1) or section 182 must, upon request, display or produce identification showing that they have been designated as an employee or official who may exercise that authority.

6 Section 181 is amended by adding "or designated official" after "designated employee".

7(1) Subsection 182(1) is amended, in the part before clause (a), by adding "or designated officials" after "designated employees".

7(2) Subsection 182(3) is replaced with the following:

Appointment lapses

182(3) A by-law appointing a designated employee or designated official under subsection (1) expires one year after it is passed, but council may by by-law re-appoint the employee or individual.

7(3) Subsections 182(4) and (5) are amended by adding "or designated official" after "designated employee".

Application — agents désignés

120(2) Les alinéas (1)b) et c) s'appliquent, avec les adaptations nécessaires, aux ordres délivrés par un agent désigné.

5(1) Le passage introductif du paragraphe 180(1) est modifié par adjonction, après « employé désigné », de « ou un agent désigné ».

5(2) Le paragraphe 180(2) est remplacé par ce qui suit :

Identification

180(2) L'employé ou agent désigné qui procède à une intervention en vertu du paragraphe (1) ou de l'article 182 est tenu, sur demande, de montrer ou de produire une pièce d'identité faisant état de la désignation qui l'autorise à procéder à l'intervention en cause.

6 L'article 181 est modifié par adjonction, avant « désigné », de « ou agent ».

7(1) Le passage introductif du paragraphe 182(1) est modifié par adjonction, avant « désignés », de « ou agents ».

7(2) Le paragraphe 182(3) est remplacé par ce qui suit :

Expiration du règlement de nomination

182(3) Les règlements municipaux visés au paragraphe (1) qui nomment des employés ou agents désignés expirent un an après leur adoption; le conseil peut toutefois renommer tout employé ou agent par règlement municipal.

7(3) Les paragraphes 182(4) et (5) sont modifiés par adjonction, avant « désigné », de « ou agent ».

8 *Subsection 184(1) is amended by adding "or designated official" after "designated employee".*

8 *Le paragraphe 184(1) est modifié par adjonction, avant « désigné », de « ou agent ».*

9(1) *Clause 185(3)(b) is replaced with the following:*

9(1) *L'alinéa 185(3)b) est remplacé par ce qui suit :*

(b) subject to subsection (4), the order is served on the owner of the building or structure personally.

b) sous réserve du paragraphe (4), l'ordre a été signifié en mains propres au propriétaire du bâtiment ou de la structure.

9(2) *The following is added after subsection 185(3):*

9(2) *Il est ajouté, après le paragraphe 185(3), ce qui suit :*

Substitutional service

185(4) If the city has been unable to effect personal service of an order under clause (3)(b) after having made reasonable attempts to do so, the district registrar may, on application made by a designated employee, grant an order of substitutional service of the order.

Mode substitutif de signification

185(4) Si la ville est incapable de signifier à personne l'ordre visé à l'alinéa (3)b) après avoir fait des tentatives sérieuses en ce sens, le registraire de district peut, sur demande d'un employé désigné, permettre par ordre un mode substitutif de signification.

Compliance with order for substitutional service

185(5) Proof of compliance with an order of substitutional service under subsection (4) is deemed to be proof of service of the order on the person served.

Preuve

185(5) La preuve de l'observation de l'ordre prévoyant un mode substitutif de signification vaut preuve de la signification du document en cause.

10 *Subclause 189(1)(b)(ii) is amended by adding "or designated official" after "designated employee".*

10 *L'alinéa 189(1)b) est modifié par adjonction, avant « désigné », de « ou agent ».*

11 *The centred heading "PLAN WINNIPEG" before section 224 is replaced with "DEVELOPMENT PLAN".*

11 *L'intertitre « PLAN DE LA VILLE DE WINNIPEG » qui précède l'article 224 est remplacé par « PLAN D'AMÉNAGEMENT ».*

12 *Section 224 is amended by replacing everything before clause (a) with the following:*

12 *Le passage introductif de l'article 224 est remplacé par ce qui suit :*

Adoption of the city development plan

224 Council must, by by-law, adopt a development plan, in this Act referred to as the "development plan", which must set out

Adoption du plan d'aménagement de la ville

224 Le conseil peut, par règlement municipal, adopter un plan d'aménagement, appelé dans la présente loi « **plan d'aménagement** »; le plan prévoit :

13 Subsection 225(3) of the French version is amended

(a) in the section heading, by striking out "rejet" and substituting "refus"; and

(b) in the part before clause (a), by striking out "rejetée" and substituting "refusée".

13 Le paragraphe 225(3) de la version française est modifié par substitution :

a) dans le titre, à « rejet », de « refus »;

b) dans le passage introductif, à « rejetée », de « refusée ».

14 The centred heading before section 227 is replaced with "DEVELOPMENT PLAN BY-LAW".

14 L'intertitre qui précède l'article 227 est remplacé par « RÈGLEMENT MUNICIPAL SUR LE PLAN D'AMÉNAGEMENT ».

15 The centred heading "Council" is added before section 234.

15 Il est ajouté, avant l'article 234, l'intertitre « Conseil ».

16 Subsections 234(2) and (3) are repealed.

16 Les paragraphes 234(2) et (3) sont abrogés.

17 The following is added as sections 234.1 to 234.8:

17 Il est ajouté, à titre de paragraphes 234.1 à 234.8, ce qui suit :

Owners of Real Property

Propriétaires de biens réels

Definition

234.1 In this section and sections 234.2 to 234.8, "**designated application**" means an application made by the owner of real property that is the subject of the application for

(a) the adoption of, or an amendment to, a zoning by-law; or

(b) the approval of a plan of subdivision.

Définition de « demande désignée »

234.1 Dans le présent article et dans les articles 234.2 à 234.8, « **demande désignée** » s'entend d'une demande visant l'adoption ou la modification d'un règlement de zonage ou l'approbation d'un plan de lotissement et présentée par le propriétaire du bien réel concerné.

By-law for submission of secondary plans

234.2(1) Council may by by-law establish criteria for determining when, in respect of a designated application, an owner of real property must prepare and submit a proposed secondary plan to the city.

Règlement municipal visant la remise de plans secondaires

234.2(1) Le conseil peut, par règlement municipal, fixer les critères servant à déterminer si, dans le cadre d'une demande désignée, le propriétaire du bien réel est tenu de préparer et de remettre à la ville un projet de plan secondaire.

Additional matters by-law must address

234.2(2) A by-law under subsection (1) must

- (a) specify the manner for determining the appropriate boundaries of the neighbourhood, district or area to be subject to a proposed secondary plan submitted by an owner of real property;
- (b) set out maps to be included and the statements of objectives and issues that a proposed secondary plan submitted by an owner of real property must address;
- (c) specify the format to be used for a proposed secondary plan submitted by an owner of real property; and
- (d) set out the criteria to be used for determining when a proposed secondary plan submitted by an owner of real property is sufficiently complete and ready for further consideration.

Preparation of plan

234.2(3) An owner of real property must ensure that

- (a) the proposed secondary plan is prepared with the assistance of an individual who is a registered professional planner within the meaning of *The Registered Professional Planners Act*; and
- (b) the registered professional planner consults with the city in the preparation of the plan.

Determining if secondary plan required

234.3(1) Within 20 days after the city receives the designated application, a designated employee must

- (a) determine if a proposed secondary plan is required to be submitted by the owner of real property in respect of the application, in accordance with the criteria set out in the by-law for submission of secondary plans; and
- (b) give written notice of the determination to the owner of real property by ordinary mail.

Contenu

234.2(2) Le règlement municipal visé au paragraphe (1) :

- a) indique la manière de fixer les limites appropriées du quartier, district ou secteur que concerne le projet de plan secondaire remis par le propriétaire du bien réel;
- b) indique les cartes et les énoncés d'objectifs que le projet doit présenter et les questions qu'il doit aborder;
- c) indique le format que doit revêtir le projet;
- d) fixe les critères servant à déterminer si le projet est suffisamment complet et prêt à être examiné.

Préparation du plan

234.2(3) Le propriétaire du bien réel veille à ce que :

- a) son projet de plan secondaire soit préparé avec l'aide d'un urbaniste professionnel au sens de la *Loi sur les urbanistes professionnels*;
- b) l'urbaniste professionnel consulte la ville dans le cadre de la préparation du plan.

Décision sur l'obligation de remettre un plan secondaire

234.3(1) Dans les 20 jours qui suivent la réception d'une demande désignée par la ville, l'employé désigné est tenu :

- a) de déterminer si le propriétaire du bien réel est tenu de remettre un projet de plan secondaire dans le cadre de la demande, en conformité avec les critères fixés dans le règlement municipal visant les plans secondaires;
- b) de donner par la poste un avis écrit de sa décision au propriétaire du bien réel.

Failure to make determination in timely manner

234.3(2) In respect of a designated application, the city must not require a proposed secondary plan to be submitted by the owner of real property if the designated employee fails to give notice within the time period specified in subsection (1).

Secondary plan may be required only by by-law

234.3(3) The city must not require an owner of real property to submit a proposed secondary plan unless one is required under a by-law adopted under subsection 234.2(1).

Determining if plan sufficient

234.4(1) A designated employee must

- (a) give the owner of real property notice by ordinary mail of the date that the city received the proposed secondary plan submitted by the owner of real property in respect of a designated application; and
- (b) within 20 days after the plan is received by the city,
 - (i) determine if the plan meets the requirements set out in the by-law for submission of secondary plans, and
 - (ii) give notice of the determination to the owner of real property by ordinary mail.

If application does not comply with by-law

234.4(2) If the designated employee determines the owner's plan does not meet the requirements of the by-law for submission of secondary plans, the designated employee must provide reasons for the determination in the notice sent under subsection (1).

Amended plan submitted

234.4(3) If an amended plan is submitted as a result of a determination under subsection (2), this section applies to the amended plan.

Absence d'avis

234.3(2) La ville ne peut exiger que le propriétaire du bien réel remette un projet de plan secondaire dans le cadre de la demande désignée si l'employé désigné omet de lui donner avis dans le délai visé au paragraphe (1).

Plan secondaire exigible uniquement par règlement municipal

234.3(3) La ville ne peut exiger que le propriétaire du bien réel lui remette un projet de plan secondaire que si le règlement municipal visé au paragraphe 234.2(1) l'exige.

Décision sur le respect des critères

234.4(1) L'employé désigné est tenu :

- a) de donner par la poste au propriétaire du bien réel un avis de la date de réception par la ville du projet de plan secondaire que le propriétaire en question a remis dans le cadre d'une demande désignée;
- b) dans les 20 jours qui suivent la date visée à l'alinéa a) :
 - (i) de déterminer si le plan respecte les critères énumérés dans le règlement municipal visant la remise de plans secondaires,
 - (ii) de donner par la poste un avis écrit de sa décision au propriétaire du bien réel.

Non-respect des critères

234.4(2) S'il détermine que le plan ne respecte pas les critères énumérés dans le règlement municipal visant la remise de plans secondaires, l'employé désigné fournit les motifs de sa décision dans l'avis envoyé en application du paragraphe (1).

Remise de plans modifiés

234.4(3) Le présent article s'applique à tout plan modifié remis à la suite d'une décision visée au paragraphe (2).

Extension by agreement

234.5 Despite subsection 234.3(1) and clause 234.4(1)(b), the time periods referred to in those sections may be extended by an agreement in writing between the owner of real property and the city.

Appeals

234.6 A decision of a designated employee under clause 234.3(1)(a) or subclause 234.4(1)(b)(i) may be appealed to The Municipal Board in accordance with section 282.1.

Prolongation consensuelle des délais

234.5 Par dérogation au paragraphe 234.3(1) et à l'alinéa 234.4(1)b), le propriétaire du bien réel et la ville peuvent, au moyen d'un accord écrit, prolonger les délais visés aux articles 234.3 et 234.4.

Appels

234.6 Il est possible d'interjeter appel auprès de la Commission municipale, en conformité avec l'article 282.1, de la décision rendue par l'employé désigné en vertu de l'alinéa 234.3(1)a) ou du sous-alinéa 234.4(1)b)(i).

Approval Process

Requirements for secondary plans

234.7(1) A secondary plan must be adopted or amended by by-law and be consistent with the development plan.

Initiation of new or amended secondary plan

234.7(2) The adoption of, or amendment to, a secondary plan may be initiated by

- (a) council; or
- (b) an application filed with a designated employee by an owner of real property.

Adoption and amendment process

234.7(3) A secondary plan by-law or an amendment to a secondary plan by-law is subject to the same adoption and approval process required for a zoning by-law or an amendment to a zoning by-law under this Part.

Secondary plans previously adopted

234.8 Despite subsection 54(2) and section 234 as section 234 read immediately before the coming into force of this provision, a secondary plan adopted before the coming into force of this provision is not invalid solely because it was adopted by a resolution of council.

Procédure d'approbation

Exigences applicables aux plans secondaires

234.7(1) Les plans secondaires doivent être adoptés ou modifiés par règlement municipal et être compatibles avec le plan d'aménagement.

Proposition d'adoption ou de modification

234.7(2) L'adoption ou la modification d'un plan secondaire peut être proposée par :

- a) le conseil;
- b) le propriétaire d'un bien réel qui présente une demande à cet effet.

Procédure d'adoption et de modification

234.7(3) Le règlement municipal sur un plan secondaire, ou la modification d'un tel règlement, est soumis à la procédure d'adoption et d'approbation s'appliquant aux règlements de zonage ou à la modification de tels règlements sous le régime de la présente partie.

Plans secondaires adoptés antérieurement

234.8 Par dérogation au paragraphe 54(2) et à l'article 234, dans sa version antérieure à l'entrée en vigueur du présent article, les plans secondaires adoptés avant l'entrée en vigueur du présent article ne sont pas invalides du seul fait qu'ils ont été adoptés par résolution du conseil.

18(1) *Subsection 236(1) of the French version is amended by striking out "peut adopter" and substituting "adopte".*

18(1) *Le paragraphe 236(1) de la version française est modifié par substitution, à « peut adopter », de « adopte ».*

18(2) *The following is added after subsection 236(1):*

18(2) *Il est ajouté, après le paragraphe 236(1), ce qui suit :*

General requirements

236(1.1) A zoning by-law must be consistent with the development plan by-law and any applicable secondary plan by-law.

Exigences générales

236(1.1) Les règlements municipaux de zonage doivent être conformes au règlement municipal sur le plan d'aménagement et à tout règlement municipal sur un plan secondaire applicable.

19 *The centred heading before section 245 is replaced with "DEVELOPMENT PERMITS".*

19 *L'intertitre qui suit l'article 244 est remplacé par « PERMIS D'AMÉNAGEMENT ».*

20 *The following is added after the centred heading "DEVELOPMENT PERMITS" as section 244.1:*

20 *Il est ajouté, avant l'article 245 mais après l'intertitre qui le précède, ce qui suit :*

Development permit required

244.1 No development may take place unless

- (a) a development permit has been issued in accordance with the applicable zoning by-law; and
- (b) the development complies with the permit.

Permis d'aménagement requis

244.1 Aucun aménagement ne peut avoir lieu sans que les conditions qui suivent soient réunies :

- a) un permis d'aménagement a été délivré en conformité avec le règlement de zonage applicable;
- b) l'aménagement est conforme au permis.

21 *Section 245 is amended by striking out "permit" wherever it occurs and substituting "development permit", with necessary grammatical changes.*

21 *L'article 245 est modifié dans les dispositions qui suivent par substitution, à « permis », de « permis d'aménagement » :*

a) le paragraphe (1) :

(i) dans le titre,

(ii) dans le texte, à la première occurrence;

b) le paragraphe (2), à la première occurrence.

22(1) *Section 246 is amended by striking out "permit" wherever it occurs and substituting "development permit".*

22(1) *L'article 246 est modifié dans les dispositions qui suivent par substitution, à « permis », de « permis d'aménagement » :*

a) le paragraphe 246(1), dans le texte, à la première occurrence;

b) le paragraphe (1.1), à chaque occurrence;

c) le paragraphe (2), dans l'alinéa b) et dans le passage introductif de l'alinéa c);

d) le paragraphe (3), à la première occurrence.

22(2) *The section heading for subsection 246(1) of the French version is replaced with "Délai dans la délivrance du permis d'aménagement".*

22(2) *Le titre du paragraphe 246(1) de la version française est remplacé par « Délai dans la délivrance du permis d'aménagement ».*

22(3) *Clause 246(1.1)(a) is replaced with the following:*

(a) the city must send the owner of real property confirmation of the date that the city received the application, by ordinary mail; and

22(3) *Le paragraphe 246(1.1) est modifié par substitution, à « donne au propriétaire du bien réel une confirmation écrite », de « envoie par la poste au propriétaire du bien réel une confirmation ».*

22(4) *Subsection 246(1.2) is amended*

(a) in the French version, by replacing the section heading with "Demande complète — critères"; and

(b) by striking out "documents" and substituting "documents, fees".

22(4) *Le paragraphe 246(1.2) est modifié :*

a) par substitution, au titre de la version française, de « Demande complète — critères »;

b) dans le texte, par adjonction, avant « documents », de « droits et ».

22(5) *The following is added after subsection 246(1.2):*

If application is incomplete

246(1.2.1) If the designated employee determines under subsection (1.2) that the application is incomplete, the city must give the owner of real property written notice, by ordinary mail, that identifies any missing documents, fees or other information.

22(5) *Il est ajouté, après le paragraphe 246(1.2), ce qui suit :*

Demande incomplète

246(1.2.1) Si l'employé désigné détermine que la demande est incomplète en application du paragraphe (1.2), la ville donne par la poste au propriétaire du bien réel un avis écrit indiquant les renseignements, les droits et les documents manquants.

22(6) *Subclause 246(2)(b)(i) is amended by striking out "proposed under section 234" and substituting "initiated under section 234.7".*

22(6) *L'alinéa 246(2)b est modifié par substitution, à « l'article 234 », de « l'article 234.7 ».*

23 *Section 246.1 is amended by striking out "permit" wherever it occurs and substituting "development permit".*

23 *L'article 246.1 est modifié par substitution, à « permis », à chaque occurrence, de « permis d'aménagement ».*

24 *Clause 274(2)(b) is amended by striking out "subsection 234(3)" and substituting "subsection 234.7(2)".*

24 *L'alinéa 274(2)b est modifié par substitution, à « paragraphe 234(3) », de « paragraphe 234.7(2) ».*

25(1) *Subsection 275(1) is amended*

25(1) *Le paragraphe 275(1) est modifié :*

(a) in the section heading, by striking out "proposals" and substituting "applications"; and

a) par substitution, au titre, de « Demandes d'aménagement »;

(b) by repealing clause (a).

b) par abrogation de l'alinéa a).

25(2) *The following is added after subsection 275(1):*

25(2) *Il est ajouté, après le paragraphe 275(1), ce qui suit :*

Development application process

275(1.1) In respect of an application under subsection (1),

(a) the city must send the owner of the real property confirmation of the date that the city received the application, by ordinary mail; and

(b) a designated employee must, within 20 days after the application is received, determine if the application is complete.

Demande

275(1.1) La ville envoie par la poste au propriétaire du bien réel une confirmation de la date à laquelle elle a reçu sa demande; un employé désigné dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

If application is complete

275(1.2) An application is complete if, in the opinion of the designated employee, the application contains the documents, fees and other information necessary to review the application.

Demande complète — critères

275(1.2) La demande est complète si, de l'avis de l'employé désigné, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son examen.

If application is incomplete

275(1.3) If the designated employee determines under subsection (1.2) that the application is incomplete, the city must give the owner of the real property written notice, by ordinary mail, that identifies any missing documents, fees or other information.

Extension by agreement

275(1.4) The time period referred to in clause (1.1)(b) may be extended by an agreement in writing between the owner of the real property and the city.

Applications to be forwarded

275(1.5) As soon as reasonably practicable after determining an application is complete, the designated employee must forward the application for a decision or hearing in accordance with this Part.

Secondary plan affects pending application

275(1.6) If proceeding with an application under subsection (1) requires consideration to be given to adopting or amending a secondary plan by-law, the 20-day time period in clause (1.1)(b) runs from the later of the following:

- (a) the day council passes or rejects the secondary plan by-law;
- (b) if council's decision respecting the secondary plan by-law is appealed to The Municipal Board,
 - (i) the day on which The Municipal Board makes its order under subsection 282.1(9), or
 - (ii) if The Municipal Board's decision is appealed under section 495, the day on which the judge hearing the appeal has made a decision, and all appeals from that decision have been exhausted or the time period for filing all appeals has expired.

Demande incomplète

275(1.3) Si l'employé désigné détermine que la demande est incomplète en application du paragraphe (1.2), la ville donne par la poste au propriétaire du bien réel un avis écrit indiquant les renseignements, les droits et les documents manquants.

Prolongation consensuelle du délai

275(1.4) Le propriétaire du bien réel et la ville peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (1.1).

Remise au conseil

275(1.5) L'employé désigné remet toute demande complète dès que raisonnablement possible pour qu'une audience soit tenue ou une décision rendue en conformité avec la présente partie.

Demande assujettie à l'examen d'un plan secondaire

275(1.6) Si la présentation d'une demande visée au paragraphe (1) rend nécessaire l'examen de l'adoption ou de la modification d'un règlement municipal sur un plan secondaire, le délai de 20 jours prévu au paragraphe (1.1) commence à courir à compter de la dernière des dates suivantes :

- a) la date à laquelle le conseil adopte ou rejette le règlement;
- b) s'il est interjeté appel auprès de la Commission municipale de la décision du conseil à l'égard du règlement :
 - (i) la date à laquelle la Commission municipale rend une ordonnance en application du paragraphe 282.1(9),
 - (ii) si l'appel est interjeté en application de l'article 495, la date à laquelle le juge d'appel a rendu sa décision et, selon le cas, tous les moyens d'appel concernant cette décision ont été épuisés ou le délai s'appliquant à tous les appels a expiré.

25(3) *Subsection 275(2) is amended*

(a) *in the section heading, by striking out "Rejection" and substituting "Refusal"; and*

(b) *in clause (b), by striking out "rejected" and substituting "refused".*

25(4) *Subsection 275(3) is amended*

(a) *in the section heading of the English version, by striking out "rejection" and substituting "refusal"; and*

(b) *by striking out "A refusal" and substituting "A decision of a designated employee under subsection (1.3) and a refusal".*

25(3) *Le paragraphe 275(2) est modifié par substitution :*

a) *dans le titre, à « Rejet », de « Refus »;*

b) *dans le texte, à « rejetée », à chaque occurrence, de « refusée ».*

25(4) *Le paragraphe 275(3) est modifié par substitution :*

a) *dans le titre de la version anglaise, à « rejection », de « refusal »;*

b) *dans le texte, à « du refus de sa demande en vertu », de « d'une décision rendue par un employé désigné en application du paragraphe (1.3) ou du refus de sa demande en application ».*

26 *Section 277 is replaced with the following:*

Notices of hearings

277(1) Unless otherwise provided, where under this Part a notice of a hearing is required to be given,

(a) the notice must be given

(i) by publishing the notice of the hearing in one issue of a newspaper on two occasions at least 6 days apart during the period beginning 40 days before the hearing and ending 7 days before the hearing, or

(ii) by posting the notice prominently on the website of the newspaper for at least 14 days before the hearing;

(b) at least 27 days before the hearing, a copy of the notice must be sent to the applicant, if there is one; and

(c) in the case of a hearing respecting a development plan by-law, a secondary plan by-law or a zoning by-law, at least 27 days before the hearing, a copy of the notice must be sent to

26 *L'article 277 est remplacé par ce qui suit :*

Avis d'audience

277(1) Sauf disposition contraire :

a) tout avis d'audience prévu par la présente partie :

(i) soit est publié deux fois dans un journal à au moins 6 jours d'intervalle au cours de la période commençant 40 jours avant l'audience et se terminant 7 jours avant celle-ci,

(ii) soit est affiché bien en vue sur le site Web d'un journal pendant au moins 14 jours avant l'audience;

b) une copie de l'avis est envoyée à l'auteur de la demande, le cas échéant, au moins 27 jours avant l'audience;

c) dans le cas d'une audience qui concerne un règlement municipal sur le plan d'aménagement, un règlement municipal sur un plan secondaire ou un règlement de zonage, une copie de l'avis est envoyée, au moins 27 jours avant l'audience :

(i) any municipality, or the board of any planning district established under *The Planning Act*, any part of which is within 1 km of any real property in respect of which the hearing is to be conducted, and

(ii) the minister.

(i) à toute municipalité ou au conseil de tout district d'aménagement du territoire constitué sous le régime de la *Loi sur l'aménagement du territoire* qui sont situés en totalité ou en partie dans un rayon d'un kilomètre du bien réel visé par l'audience,

(ii) au ministre.

Non-application

277(2) Subsection (1) does not apply to a hearing conducted by The Municipal Board under subsection 230(1) (hearing by Municipal Board) or 270(2) (hearing by Municipal Board) or an appeal under section 282.1 or 282.2 (appeals to Municipal Board).

Non-application

277(2) Le paragraphe (1) ne s'applique pas aux audiences tenues par la Commission municipale en vertu du paragraphe 230(1) ou 270(2) ni aux appels interjetés en vertu des articles 282.1 ou 282.2.

27 *Clauses 278(1)(b) and (c) are replaced with the following:*

(b) the adoption of, or amendment to, a secondary plan;

(c) the adoption of, or amendment to, a zoning by-law;

27 *Les alinéas 278(1)b) et c) sont remplacés par ce qui suit :*

b) l'adoption d'un plan secondaire ou sa modification;

c) l'adoption d'un règlement de zonage ou sa modification;

28 *Subsection 282.1(1) is amended*

(a) in the part before clause (a), by striking out "subsection 275(1)" and substituting "this Part";

(b) in clause (a), by striking out "refusal or";

(c) in clause (b), by striking out "refusal" and substituting "rejection";

(d) in clause (c), by striking out "refusal to" and substituting "rejection of an application for";

28 *Le paragraphe 282.1(1) est modifié :*

a) dans le passage introductif, par substitution, à « du paragraphe 275(1) », de « de la présente partie »;

b) dans le passage introductif de l'alinéa a), par suppression de « le refus ou »;

c) dans l'alinéa b), par substitution, à « refus », de « rejet »;

d) dans l'alinéa c), par substitution, à « refus de consentir », de « rejet d'une demande de consentement »;

(e) by adding the following after clause (d):

(d.1) a decision to refuse an application for a development permit for a proposed development as not conforming to the development plan by-law, a secondary plan by-law or a zoning by-law;

(d.2) a decision to refuse an application for a development permit for a proposed development as not conforming to the regional planning by-law of the Capital Planning Region;

(f) by replacing clause (f) with the following:

(f) a decision of a designated employee that an application is incomplete under the following provisions or otherwise:

- (i) clause 234.3(1)(a),
- (ii) clause 234.4(1)(b),
- (iii) subsection 275(1.3).

29(1) Subsection 282.2(1) is amended

(a) by replacing everything before clause (a) with the following:

Appeals concerning failing to proceed

282.2(1) Subject to subsections (1.1), (1.2) and (2), if the following matters are not decided within the period that is specified, an applicant may consider the application to have been rejected and may appeal the rejection to The Municipal Board under section 282.1:

(b) in clause (a), by striking out "for an amendment to" and substituting "respecting"; and

(c) in subclause (b)(ii) of the English version, by adding "after the completed application is received by the city" after "150 days".

e) par adjonction, après l'alinéa d), de ce qui suit :

d.1) la décision de refuser une demande de permis d'aménagement à l'égard d'un aménagement proposé ne se conformant pas au règlement municipal sur le plan d'aménagement, à un règlement municipal sur un plan secondaire ou à un règlement de zonage;

d.2) la décision de refuser une demande de permis d'aménagement à l'égard d'un aménagement proposé ne se conformant pas à un règlement régional d'aménagement du territoire de la région d'aménagement du territoire de la capitale;

f) par substitution, à l'alinéa f), de ce qui suit :

f) la décision, prise par un employé désigné, voulant qu'une demande soit incomplète en application, selon le cas :

- (i) de l'alinéa 234.3(1)a),
- (ii) de l'alinéa 234.4(1)b),
- (iii) du paragraphe 275(1.3).

29(1) Le paragraphe 282.2(1) est modifié :

a) dans le passage introductif, par substitution, à « L'auteur », de « Sous réserve des paragraphes (1.1), (1.2) et (2), l'auteur »;

b) dans l'alinéa a), par substitution, à « de modification d'un plan secondaire ou d'un », de « portant sur un plan secondaire ou un »;

c) dans le sous-alinéa b)(ii) de la version anglaise, par adjonction, après « 150 days », de « after the completed application is received by the city ».

29(2) *The following is added after subsection 282.2(1):*

Extension by agreement

282.2(1.1) The time periods referred to in subsection (1) may be extended by an agreement in writing between the applicant and the city.

Determining start of time period

282.2(1.2) If an application under subsection 275(1) requires consideration to be given to adopting or amending a secondary plan by-law, the time period under subsection 282.2(1) for the application runs from the later of the following:

- (a) if a proposed secondary plan is submitted by an owner of real property, the day that is 150 days after the owner's complete plan is received by the city;
- (b) if council's decision respecting the secondary plan by-law is not appealed to The Municipal Board, the day on which the time period to file a notice of appeal with The Municipal Board under subsection 282.1(3) expires;
- (c) if council's decision respecting the secondary plan by-law is appealed to The Municipal Board,
 - (i) the day on which The Municipal Board makes its order under subsection 282.1(9), or
 - (ii) if The Municipal Board's decision is appealed under section 495, the day on which the judge hearing the appeal has made a decision, and all appeals from that decision have been exhausted or the time period for filing all appeals has expired.

29(3) *Subsection 282.2(2) is amended*

(a) in the part before clause (a), by striking out "The applicant" and substituting "Subject to subsections (1.1) and (1.2), the applicant"; and

29(2) *Il est ajouté, après le paragraphe 282.2(1), ce qui suit :*

Prolongation consensuelle des délais

282.2(1.1) L'auteur de la demande et la ville peuvent, au moyen d'un accord écrit, prolonger les délais visés au paragraphe (1).

Début du délai

282.2(1.2) Si la présentation d'une demande visée au paragraphe 275(1) rend nécessaire l'examen de l'adoption ou de la modification d'un règlement municipal sur un plan secondaire, le délai prévu au paragraphe 282.2(1) commence à courir à compter de la dernière des dates suivantes :

- a) si le projet de plan secondaire est remis par le propriétaire du bien réel, le jour qui tombe 150 jours après la réception du plan complet par la ville;
- b) s'il n'est pas interjeté appel auprès de la Commission municipale de la décision du conseil à l'égard du règlement, la date à laquelle le délai d'appel prévu au paragraphe 282.1(3) a expiré;
- c) s'il est interjeté appel auprès de la Commission municipale de la décision du conseil à l'égard du règlement :
 - (i) la date à laquelle la Commission municipale rend une ordonnance en application du paragraphe 282.1(9),
 - (ii) si l'appel est interjeté en application de l'article 495, la date à laquelle le juge d'appel a rendu sa décision et, selon le cas, tous les moyens d'appel concernant cette décision ont été épuisés ou le délai s'appliquant à tous les appels a expiré.

29(3) *Le paragraphe 282.2(2) est modifié par substitution :*

a) dans le passage introductif, à « L'auteur », de « Sous réserve des paragraphes (1.1) et (1.2), l'auteur »;

(b) by replacing clause (b) with the following:

(b) subject to any extensions that apply, the longest applicable time period in subsection (1) expires without a decision and 30 days have passed.

29(4) *Subsection 282.2(3) is amended by striking out "applicable time period set out in clauses (1)(a) to (g)" and substituting "applicable time period determined under subsection (1), (1.1), (1.2) or (2)".*

30 *Subsection 366(1) is replaced with the following:*

Building not to be removed if taxes unpaid

366(1) A designated employee may refuse to approve an application to remove a building from land on which it is situated if taxes on the building or land, or any related penalties, are unpaid.

31 *Clause 495(1)(b) is amended by striking out "section 234" and substituting "section 234.7".*

32 *The following is added after subsection 520(3):*

Audit requirements

520(4) Despite the requirements under section 322 of the former Act, the trustees need not furnish an audited statement of the assets and liabilities held by them if an audit of the assets and liabilities is included in the annual consolidated financial statement of the city under section 105 of this Act.

b) à l'alinéa b), de ce qui suit :

b) sous réserve de toute prolongation applicable, un délai de 30 jours après la plus longue période applicable sous le régime du paragraphe (1) expire sans qu'aucune décision n'ait été rendue.

29(4) *Le paragraphe 282.2(3) est modifié par substitution, à « aux alinéas (1)a) à g) », de « au paragraphe (1), (1.1), (1.2) ou (2) ».*

30 *Le paragraphe 366(1) est remplacé par ce qui suit :*

Refus d'une demande d'enlèvement d'un bâtiment

366(1) Tout employé désigné peut refuser d'approuver une demande d'enlèvement d'un bâtiment du bien réel où il est situé si les taxes et pénalités payables à l'égard du bâtiment ou du bien réel n'ont pas été toutes payées.

31 *L'alinéa 495(1)b) est modifié par substitution, à « article 234 », de « article 234.7 ».*

32 *Il est ajouté, après le paragraphe 520(3), ce qui suit :*

États financiers vérifiés

520(4) Malgré les exigences prévues à l'article 322 de l'ancienne loi, les fiduciaires ne sont pas tenus de remettre des états financiers vérifiés de l'actif qu'ils détiennent et du passif qu'ils engagent si la vérification de cet actif et de ce passif figure dans les états financiers annuels consolidés de la ville en conformité avec l'article 105 de la présente loi.

33 The provisions of **The City of Winnipeg Charter** identified in Column 1 of the Schedule to this Act are amended in the manner and to the extent set out opposite them in Columns 2 and 3.

33 Les dispositions de la **Charte de la ville de Winnipeg** indiquées dans la colonne 1 de l'annexe de la présente loi sont modifiées par substitution, au texte de la colonne 2 de la même rangée, de celui de la colonne 3.

PART 2

THE PLANNING ACT

C.C.S.M. c. P80 amended

34 ***The Planning Act*** is amended by this Part.

35 Subsection 10(2) is amended by striking out "Plan Winnipeg" and substituting "the development plan for the City of Winnipeg".

36 Subsection 12(5) of the French version is amended

(a) in clause (c), by striking out "ou le refus" and substituting ", le refus ou le rejet"; and

(b) in clause (h), by striking out "ou leur refus" and substituting ", leur refus ou leur rejet".

37 Subsection 56(2) of the French version is amended

(a) in the section heading, by striking out "Rejet" and substituting "Refus";

(b) in the part before clause (a), by striking out "rejetée" and substituting "refusée"; and

(c) in clause (b), by striking out "rejetée" and substituting "refusée".

38(1) Subsection 80(2) of the French version is amended

(a) in the section heading, by striking out "Rejet" and substituting "Refus";

PARTIE 2

LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

Modification du c. P80 de la C.P.L.M.

34 La présente partie modifie la ***Loi sur l'aménagement du territoire***.

35 Le paragraphe 10(2) est modifié par substitution, à « Plan de la ville de Winnipeg », de « plan d'aménagement de la ville de Winnipeg ».

36 Le paragraphe 12(5) de la version française est modifié par substitution :

a) dans l'alinéa c), à « ou le refus », de « , le refus ou le rejet »;

b) dans l'alinéa h), à « ou leur refus », de « , leur refus ou leur rejet ».

37 Le paragraphe 56(2) de la version française est modifié par substitution :

a) dans le titre, à « Rejet », de « Refus »;

b) dans le passage introductif et dans l'alinéa b), à « rejetée », de « refusée ».

38(1) Le paragraphe 80(2) de la version française est modifié par substitution :

a) dans le titre, à « Rejet », de « Refus »;

(b) in the part before clause (a), by striking out "rejetée" and substituting "refusée"; and

(c) in clause (c), by striking out "rejetée" and substituting "refusée".

b) dans le passage introductif et dans l'alinéa c), à « rejetée », de « refusée ».

38(2) The following is added after subsection 80(2):

Application process

80(2.1) In respect of an application for an amendment to a zoning by-law under clause (1)(b), the board or council must

(a) send the applicant confirmation of the date that the board or council received the application; and

(b) within 20 days after the application is received, determine if the application is complete.

If application is complete

80(2.2) An application is complete if, in the opinion of the board or council, the application contains the documents, fees and other information necessary to review the application.

If application is incomplete

80(2.3) If the board or council determines under subsection (2.2) that the application is incomplete, the board or council must give the applicant notice that identifies any missing documents, fees or other information.

Extension by agreement

80(2.4) The time period referred to in clause (2.1)(b) may be extended by an agreement in writing between the applicant and the board or council.

39(1) Subsection 82.1(1) is amended, in the section heading, by striking out "refusal" and substituting "refusal, rejection".

38(2) Il est ajouté, après le paragraphe 80(2), ce qui suit :

Demande

80(2.1) La commission ou le conseil envoie à l'auteur de la demande de modification d'un règlement de zonage présentée en vertu de l'alinéa (1)b) une confirmation de la date à laquelle sa demande a été reçue et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

Demande complète — critères

80(2.2) La demande est complète si, de l'avis de la commission ou du conseil, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son examen.

Demande incomplète

80(2.3) S'il ou elle détermine que la demande est incomplète en application du paragraphe (2.2), la commission ou le conseil donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

Prolongation consensuelle du délai

80(2.4) L'auteur de la demande et, selon le cas, la commission ou le conseil peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (2.1).

39(1) Le titre du paragraphe 82.1(1) est modifié par adjonction, après « refus », de « ou de rejet ».

39(2) Subsection 82.1(2) is amended

(a) in the part before clause (a), by striking out "In respect of" and substituting "Subject to subsection (2.1), in respect of"; and

(b) in clause (a), by striking out "after the application is made" and substituting "after the complete application is received by the board or council".

39(3) The following is added after subsection 82.1(2):**Extension by agreement**

82.1(2.1) The time periods referred to in subsection (2) may be extended by an agreement in writing between the applicant and the board or council.

40 The following is added after subsection 94(3):**Application process**

94(3.1) In respect of an application for a variance under subsection (1), the board or council must

(a) send the applicant confirmation of the date that the board or council received the application; and

(b) within 20 days after the application is received, determine if the application is complete.

If application is complete

94(3.2) An application is complete if, in the opinion of the board or council, the application contains the documents, fees and other information necessary to review the application.

If application is incomplete

94(3.3) If the board or council determines under subsection (3.2) that the application is incomplete, the board or council must give the applicant notice that identifies any missing documents, fees or other information.

39(2) Le paragraphe 82.1(2) est modifié :

a) dans le passage introductif, par substitution, à « À l'égard », de « Sous réserve du paragraphe (2.1), à l'égard »;

b) dans l'alinéa a), par substitution, à « soumission de la demande », de « réception de la demande complète par la commission ou le conseil ».

39(3) Il est ajouté, après le paragraphe 82.1(2), ce qui suit :**Prolongation consensuelle des délais**

82.1(2.1) L'auteur de la demande et, selon le cas, la commission ou le conseil peuvent, au moyen d'une entente écrite, prolonger les délais visés au paragraphe (2).

40 Il est ajouté, après le paragraphe 94(3), ce qui suit :**Demande**

94(3.1) La commission ou le conseil envoie à l'auteur de la demande une confirmation de la date à laquelle la demande a été reçue et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

Demande complète — critères

94(3.2) La demande est complète si, de l'avis de la commission ou du conseil, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son examen.

Demande incomplète

94(3.3) S'il ou elle détermine que la demande est incomplète en application du paragraphe (3.2), la commission ou le conseil donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

Extension by agreement

94(3.4) The time period referred to in clause (3.1)(b) may be extended by an agreement in writing between the applicant and the board or council.

41 Subsection 101(2) is replaced with the following:

Extending approval deadline

101(2) A board, council or planning commission may extend the deadline under subsection (1)

- (a) for a period of not longer than 12 months if an application is received before the expiry of the original deadline; and
- (b) for a second period of not longer than 12 months if an application is received before the expiry of the first extension.

42 The following is added after subsection 103(4):

Application process

103(4.1) In respect of an application for approval of a conditional use under subsection (2), the board or council must

- (a) send the applicant confirmation of the date that the board or council received the application; and
- (b) within 20 days after the application is received, determine if the application is complete.

If application is complete

103(4.2) An application is complete if, in the opinion of the board or council, the application contains the documents, fees and other information necessary to review the application.

Prolongation consensuelle du délai

94(3.4) L'auteur de la demande et, selon le cas, la commission ou le conseil peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (3.1).

41 Le paragraphe 101(2) est remplacé par ce qui suit :

Prolongation du délai d'approbation

101(2) Une commission, un conseil ou une commission d'aménagement du territoire peut prolonger le délai prévu au paragraphe (1) :

- a) d'une période d'au plus 12 mois si une demande à cet effet est reçue avant l'expiration du délai original;
- b) d'une deuxième période d'au plus 12 mois si une demande est reçue avant l'expiration de la période visée à l'alinéa a).

42 Il est ajouté, après le paragraphe 103(4), ce qui suit :

Demande

103(4.1) La commission ou le conseil envoie à l'auteur de la demande une confirmation de la date à laquelle sa demande a été reçue et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

Demande complète — critères

103(4.2) La demande est complète si, de l'avis de la commission ou du conseil, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son examen.

If application is incomplete

103(4.3) If the board or council determines under subsection (4.2) that the application is incomplete, the board or council must give the applicant notice that identifies any missing documents, fees or other information.

Extension by agreement

103(4.4) The time period referred to in clause (4.1)(b) may be extended by an agreement in writing between the applicant and the board or council.

43 *Subsection 118.2(2) is amended, in the part before clause (a), by striking out "30 days" and substituting "14 days".*

44 *The following is added after subsection 124(1):*

Application process

124(1.1) In respect of an application for subdivision approval under subsection (1), the approving authority must

- (a) send the applicant confirmation of the date that the approving authority received the application; and
- (b) within 20 days after the application is received, determine if the application is complete.

If application is complete

124(1.2) An application is complete if, in the opinion of the approving authority, the application contains the documents, fees and other information necessary to review the application.

If application is incomplete

124(1.3) If the approving authority determines under subsection (1.2) that the application is incomplete, the approving authority must give the applicant notice that identifies any missing documents, fees or other information.

Demande incomplète

103(4.3) S'il ou elle détermine que la demande est incomplète en application du paragraphe (4.2), la commission ou le conseil donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

Prolongation consensuelle du délai

103(4.4) L'auteur de la demande et, selon le cas, la commission ou le conseil peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (4.1).

43 *Le passage introductif du paragraphe 118.2(2) est modifié par substitution, à « 30 jours », de « 14 jours ».*

44 *Il est ajouté, après le paragraphe 124(1), ce qui suit :*

Demande

124(1.1) L'autorité compétente envoie à l'auteur de la demande une confirmation de la date à laquelle sa demande a été reçue et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

Demande complète — critères

124(1.2) La demande est complète si, de l'avis de l'autorité compétente, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son examen.

Demande incomplète

124(1.3) Si elle détermine que la demande est incomplète en application du paragraphe (1.2), l'autorité compétente donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

Extension by agreement

124(1.4) The time period referred to in clause (1.1)(b) may be extended by an agreement in writing between the applicant and the approving authority.

45(1) Subsection 125(4.1) is amended

(a) by striking out "For" and substituting "Subject to subsection (4.2), for"; and

(b) by striking out "it" and substituting "the complete application".

45(2) The following is added after subsection 125(4.1):

Extension by agreement

125(4.2) The time period referred to in subsection (4.1) may be extended by an agreement in writing between the applicant and the council.

46(1) Section 125.3 is amended

(a) by renumbering it as subsection 125.3(1); and

(b) by striking out "For" and substituting "Subject to subsection (2), for".

46(2) The following is added as subsection 125.3(2):

Extension by agreement

125.3(2) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the council.

47 Clause 129(3)(a), in the part before subclause (i), and clause (b) are amended by striking out "30 days" and substituting "14 days".

Prolongation consensuelle du délai

124(1.4) L'auteur de la demande et l'autorité compétente peuvent, au moyen d'un accord écrit, prolonger le délai visé au paragraphe (1.1).

45(1) Le paragraphe 125(4.1) est modifié :

a) par substitution, à « L'auteur », de « Sous réserve du paragraphe (4.2), l'auteur »;

b) par adjonction, après « de la demande », de « complète ».

45(2) Il est ajouté, après le paragraphe 125(4.1), ce qui suit :

Prolongation consensuelle des délais

125(4.2) L'auteur de la demande et le conseil peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (4.1).

46(1) L'article 125.3 devient le paragraphe 125.3(1) et est modifié par substitution, à « L'auteur », de « Sous réserve du paragraphe (2), l'auteur ».

46(2) Il est ajouté, à titre de paragraphe 125.3(2), ce qui suit :

Prolongation consensuelle du délai

125.3(2) L'auteur de la demande et le conseil peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (1).

47 Le paragraphe 129(3) est modifié, dans le passage introductif de l'alinéa a) et dans l'alinéa b), par substitution, à « 30 jours », de « 14 jours ».

48(1) *Subsection 147(3) is replaced with the following:*

Application process

147(3) In respect of an application for a development permit under subsection (2), a designated employee or officer of a planning district or municipality must

- (a) send the applicant confirmation of the date that the planning district or municipality received the application; and
- (b) within 20 days after the application is received, determine if the application is complete.

48(2) *Subsection 147(4) is amended*

- (a) in the French version, by replacing the section heading with "Demande complète — critères"; and
- (b) by striking out "documents" and substituting "documents, fees".

48(3) *The following is added after subsection 147(4):*

If application is incomplete

147(4.1) If the designated employee or officer determines under subsection (4) that the application is incomplete, the designated employee or officer must give the applicant notice that identifies any missing documents, fees or other information.

49(1) *Section 151.0.1 is amended*

- (a) by renumbering it as subsection 151.0.1(1); and
- (b) by striking out "If" and substituting "Subject to subsection (2), if".

49(2) *The following is added as subsection 151.0.1(2):*

48(1) *Le paragraphe 147(3) est remplacé par ce qui suit :*

Demande

147(3) L'employé ou dirigeant désigné d'un district d'aménagement du territoire ou d'une municipalité envoie à l'auteur de la demande une confirmation de la date à laquelle le district ou la municipalité a reçu sa demande et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

48(2) *Le paragraphe 147(4) est modifié :*

- a) par substitution, au titre de la version française, de « Demande complète — critères »;
- b) dans le texte, par adjonction, avant « documents », de « droits et ».

48(3) *Il est ajouté, après le paragraphe 147(4), ce qui suit :*

Demande incomplète

147(4.1) S'il détermine que la demande est incomplète en application du paragraphe (4), l'employé ou le dirigeant désigné donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

49(1) *L'article 151.0.1 devient le paragraphe 151.0.1(1) et est modifié par substitution, à « Si », de « Sous réserve du paragraphe (2), si ».*

49(2) *Il est ajouté, à titre de paragraphe 151.0.1(2), ce qui suit :*

Extension by agreement

151.0.1(2) The time period referred to in subsection (1) may be extended by an agreement in writing between the owner of the affected property and the board, council or planning commission.

50 The following is added after subsection 151.0.2(1):

Application process

151.0.2(1.1) In respect of an application for an amendment to a development agreement under subsection (1), the planning district or municipality must

(a) send the applicant confirmation of the date that the planning district or municipality received the application; and

(b) within 20 days after the application is received, determine if the application is complete.

If application is complete

151.0.2(1.2) An application is complete if, in the opinion of the planning district or municipality, the application contains the documents, fees and other information necessary to review the application.

If application is incomplete

151.0.2(1.3) If the planning district or municipality determines under subsection (1.2) that the application is incomplete, the planning district or municipality must give the applicant notice that identifies any missing documents, fees or other information.

Extension by agreement

151.0.2(1.4) The time period referred to in clause (1.1)(b) may be extended by an agreement in writing between the applicant and the planning district or municipality.

Prolongation consensuelle du délai

151.0.1(2) Le propriétaire de la propriété visée et, selon le cas, la commission, le conseil ou la commission d'aménagement du territoire peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (1).

50 Il est ajouté, après le paragraphe 151.0.2(1), ce qui suit :

Demande

151.0.2(1.1) Le district d'aménagement du territoire ou la municipalité envoie à l'auteur de la demande une confirmation de la date à laquelle sa demande a été reçue et dispose de 20 jours à compter de cette date pour déterminer si la demande est complète.

Demande complète — critères

151.0.2(1.2) La demande est complète si, de l'avis du district d'aménagement du territoire ou de la municipalité, elle comporte tous les renseignements et est accompagnée de tous les droits et documents nécessaires à son évaluation.

Demande incomplète

151.0.2(1.3) S'il ou elle détermine que la demande est incomplète en application du paragraphe (1.2), le district d'aménagement du territoire ou la municipalité donne à l'auteur de la demande un avis indiquant les renseignements, les droits et les documents manquants.

Prolongation consensuelle du délai

151.0.2(1.4) L'auteur de la demande et, selon le cas, le district d'aménagement du territoire ou la municipalité peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (1.1).

51(1) *Subsection 151.0.3(2) is amended*

(a) *by striking out "If" and substituting "Subject to subsection (2.1), if"; and*

(b) *by adding "after the complete application is received by the board or council" after "within 90 days".*

51(2) *The following is added after subsection 151.0.3(2):*

Extension by agreement

151.0.3(2.1) The time period referred to in subsection (2) may be extended by an agreement in writing between the applicant and the board or council.

51(1) *Le paragraphe 151.0.3(2) est modifié :*

a) *par substitution, à « L'auteur », de « Sous réserve du paragraphe (2.1), l'auteur »;*

b) *par adjonction, après « 90 jours », de « après avoir reçu la demande complète ».*

51(2) *Il est ajouté, après le paragraphe 151.0.3(2), ce qui suit :*

Prolongation consensuelle du délai

151.0.3(2.1) L'auteur de la demande et, selon le cas, la commission ou le conseil peuvent, au moyen d'une entente écrite, prolonger le délai visé au paragraphe (2).

52 *Subsection 174(3) is amended*

(a) *by striking out "If" and substituting "Subject to any extensions that apply, if";*

(b) *by striking out "within the longest time period applicable" and substituting "within 30 days after the end of the longest time period applicable"; and*

(c) *by striking out "subsection 82.1(2) or 118.2(1.1)" and substituting "subsection 82.1(2), 118.2(1.1) or 125(4.1)".*

52 *Le paragraphe 174(3) est modifié par substitution :*

a) *à « Lorsqu'une », de « Sous réserve des prolongations applicables, lorsqu'une »;*

b) *à « au cours de », de « dans les 30 jours suivant »;*

c) *à « paragraphe 82.1(2) ou 118.2(1.1) », de « paragraphe 82.1(2), 118.2(1.1) ou 125(4.1) ».*

PART 3**TRANSITIONAL PROVISIONS AND
CONDITIONAL AND
CONSEQUENTIAL AMENDMENTS**

Transitional — prior applications under City of Winnipeg Charter

53(1) *An application made but not completed under Part 6 of **The City of Winnipeg Charter** before the coming into force of this section is to be dealt with under that Part as if Part 1 of this Act had not come into force.*

Transitional — prior applications under Planning Act

53(2) *An application made but not completed under **The Planning Act** before the coming into force of this section is to be dealt with under that Act as if Part 2 of this Act had not come into force.*

S.M. 2021, c. 36 amended before coming into force

54(1) *If section 21 of this Act comes into force before section 58 of **The Planning Amendment and City of Winnipeg Charter Amendment Act**, S.M. 2021, c. 36, comes into force, then section 58 of that Act is replaced with the following:*

58 *The following is added after section 240.1 and before the centred heading that follows it:*

Development agreement for a development permit
240.1.1(1) As a condition of issuing a development permit that authorizes the following developments, the city may require the owner of real property affected by

PARTIE 3**DISPOSITIONS TRANSITOIRES ET
MODIFICATIONS CONDITIONNELLES ET
CORRÉLATIVES**

*Disposition transitoire — demandes antérieures présentées en vertu de la **Charte de la ville de Winnipeg***

53(1) *Les demandes qui ont été présentées en vertu de la partie 6 de la **Charte de la ville de Winnipeg**, mais qui n'ont pas été tranchées avant l'entrée en vigueur du présent article sont traitées en conformité avec cette partie comme si la partie 1 de la présente loi n'était pas entrée en vigueur.*

*Disposition transitoire — demandes antérieures présentées en vertu de la **Loi sur l'aménagement du territoire***

53(2) *Les demandes qui ont été présentées en vertu de la **Loi sur l'aménagement du territoire**, mais qui n'ont pas été tranchées avant l'entrée en vigueur du présent article sont traitées en conformité avec cette loi comme si la partie 2 de la présente loi n'était pas entrée en vigueur.*

*Modification du c. 36 des **L.M. 2021** avant son entrée en vigueur*

54(1) *Si l'article 21 de la présente loi entre en vigueur avant l'article 58 de la **Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg**, c. 36 des **L.M. 2021**, l'article 58 en question est remplacé par ce qui suit :*

58 *Il est ajouté, après l'article 240.1 mais avant l'intertitre qui lui succède, ce qui suit :*

Exigence d'un accord d'aménagement
240.1.1(1) À titre de condition de la délivrance d'un permis d'aménagement autorisant les aménagements qui suivent, la ville peut exiger que le propriétaire du bien

the application to enter into a development agreement with the city respecting the development and any adjacent real property owned or leased by the owner:

- (a) a prescribed major development;
- (b) a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks or traffic control works.

Limitation

240.1.1(2) Despite subsection (1), a development agreement under this section must not impose a condition under clause 259(1)(a) or (b).

Regulations

240.1.1(3) The minister may make regulations prescribing a development to be a major development for the purpose of clause (1)(a).

54(2) If section 21 of this Act comes into force before clause 282.2(1)(f), as enacted by section 70 of The Planning Amendment and City of Winnipeg Charter Amendment Act, S.M. 2021, c. 36, comes into force, then clause 282.2(1)(f), as enacted by section 70 of that Act, is replaced with the following:

- (f) for a development agreement required under section 240.1.1 within the longer of 90 days after the issuance of the development permit or the expiry of the time period that applies under section 246.

54(3) If section 33 of this Act comes into force before section 50 of The Planning Amendment and City of Winnipeg Charter Amendment Act, S.M. 2021, c. 36, comes into force, then section 50 of that Act is replaced with the following:

réel visé par la demande conclue un accord d'aménagement avec elle à l'égard de l'aménagement et de tout bien réel contigu qui lui appartient ou dont il est locataire :

- a) un aménagement important désigné par règlement;
- b) un aménagement qui nécessite de nouvelles constructions ou l'expansion d'ouvrages existants liés aux égouts et aqueducs, à la collecte des déchets, au drainage, aux voies publiques, aux rues de jonction, à l'éclairage des rues, aux trottoirs et à la réglementation de la circulation.

Restriction

240.1.1(2) Par dérogation au paragraphe (1), l'accord visé au présent article ne peut imposer une condition prévue à l'alinéa 259(1)a) ou b).

Règlements

240.1.1(3) Le ministre peut, par règlement, déterminer quels sont les cas d'aménagement important pour l'application de l'alinéa (1)a).

54(2) Si l'article 21 de la présente loi entre en vigueur avant l'alinéa 282.2(1)f) édicté par l'article 70 de la Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg, c. 36 des L.M. 2021, l'alinéa en question est remplacé par ce qui suit :

- f) dans le cas de l'obligation de conclure un accord d'aménagement sous le régime de l'article 240.1.1, dans les 90 jours qui suivent la délivrance du permis d'aménagement ou à l'expiration de la période qui s'applique sous le régime de l'article 246, si cette date est postérieure.

54(3) Si l'article 33 de la présente loi entre en vigueur avant l'article 50 de la Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg, c. 36 des L.M. 2021, l'article 50 en question est remplacé par ce qui suit :

50 *The following is added after subsection 226(3):*

Consultation with minister and region

226(3.0.1) On beginning a review of the development plan, council must consult with the Capital Planning Region, the minister and any other person or organization designated by the minister.

S.M. 2002, c. 39 amended after S.M. 2021, c. 36 comes into force

55(1) *If section 50 of **The Planning Amendment and City of Winnipeg Charter Amendment Act**, S.M. 2021, c. 36, comes into force before section 33 of this Act, then subsection 226(3.0.1) of **The City of Winnipeg Charter** is amended by striking out "Plan Winnipeg" and substituting "the development plan".*

55(2) *If section 58 of **The Planning Amendment and City of Winnipeg Charter Amendment Act**, S.M. 2021, c. 36, comes into force before section 21 of this Act comes into force, then subsection 240.1.1(1) of **The City of Winnipeg Charter** is amended by striking out "permit" in the section heading and in the section and substituting "development permit".*

55(3) *If section 70 of **The Planning Amendment and City of Winnipeg Charter Amendment Act**, S.M. 2021, c. 36, insofar as it enacts clause 282.2(1)(f), comes into force before section 21 of this Act comes into force, then clause 282.2(1)(f) of **The City of Winnipeg Charter** is amended by striking out "permit" and substituting "development permit".*

50 *Il est ajouté, après le paragraphe 226(3), ce qui suit :*

Consultation avec le ministre et la région

226(3.0.1) Lorsqu'il entreprend une révision du plan d'aménagement, le conseil consulte la région d'aménagement du territoire de la capitale, le ministre et les autres personnes et organismes que le ministre désigne.

*Modification du c. 39 des **L.M. 2002** après l'entrée en vigueur du c. 36 des **L.M. 2021***

55(1) *Si l'article 50 de la **Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg**, c. 36 des **L.M. 2021**, entre en vigueur avant l'article 33 de la présente loi, le paragraphe 226(3.0.1) de la **Charte de la ville de Winnipeg** est modifié par substitution, à « plan de la ville de Winnipeg », de « plan d'aménagement ».*

55(2) *Si l'article 58 de la **Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg**, c. 36 des **L.M. 2021**, entre en vigueur avant l'article 21 de la présente loi, le passage introductif du paragraphe 240.1.1(1) de la **Charte de la ville de Winnipeg** est modifié par substitution, à « permis », de « permis d'aménagement ».*

55(3) *Si l'article 70 de la **Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg**, c. 36 des **L.M. 2021**, dans la mesure où il édicte l'alinéa 282.2(1)f, entre en vigueur avant l'article 21 de la présente loi, l'alinéa 282.2(1)f de la **Charte de la ville de Winnipeg** est modifié par substitution, à « permis », de « permis d'aménagement ».*

Consequential amendment, C.C.S.M. c. C44

56 Subsection 21(4) of **The CentrePort Canada Act** is amended by striking out "Plan Winnipeg" and substituting "the development plan adopted for the City of Winnipeg under The City of Winnipeg Charter".

S.M. 2021, c. 36 (unproclaimed provision repealed)

57 Section 70 of **The Planning Amendment and City of Winnipeg Charter Amendment Act**, S.M. 2021, c. 36, is repealed insofar as it enacts clause 282.1(1)(e).

*Modification du c. C44 de la **C.P.L.M.***

56 Le paragraphe 21(4) de la **Loi sur la Société CentrePort Canada** est modifié par substitution, à « Plan de la ville de Winnipeg », de « plan d'aménagement adopté pour la ville de Winnipeg sous le régime de la *Charte de la ville de Winnipeg* ».

*Modification du c. 36 des **L.M. 2021** (abrogation d'une disposition non proclamée)*

57 L'article 70 de la **Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg**, c. 36 des **L.M. 2021**, est abrogé dans la mesure où il édicte l'alinéa 282.1(1)e).

PART 4

REVIEW AND COMING INTO FORCE

Review

58(1) *The minister must undertake a comprehensive review of the amendments made by this Act to Part 6 of **The City of Winnipeg Charter** and to **The Planning Act** that includes public representations by October 29, 2024.*

Tabling report in Assembly

58(2) *Within one year after the review is undertaken or within any longer period that the Legislative Assembly allows, the minister must table a report on the review in the Assembly.*

Coming into force

59 *This Act comes into force on a day to be fixed by proclamation.*

PARTIE 4

EXAMEN ET ENTRÉE EN VIGUEUR

Examen

58(1) *Le ministre entreprend un examen complet des modifications apportées par la présente loi à la partie 6 de la **Charte de la ville de Winnipeg** et à la **Loi sur l'aménagement du territoire** au plus tard le 29 octobre 2024. À cette fin, il permet au public de présenter des observations.*

Rapport déposé devant l'Assemblée

58(2) *Le ministre dispose d'un an après avoir entrepris son examen, ou de tout délai supérieur autorisé par l'Assemblée législative, pour déposer devant celle-ci un rapport portant sur cet examen.*

Entrée en vigueur

59 *La présente loi entre en vigueur à la date fixée par proclamation.*

SCHEDULE

(Section 33)

Column 1 <i>The City of</i> <i>Winnipeg Charter</i> Provision	Column 2 Strike out	Column 3 Substitute
225(1)	"Plan Winnipeg" in the section heading and in the section	"the development plan"
225(2)	"Plan Winnipeg"	"the development plan"
226(1)	"Plan Winnipeg" in the part before clause (a)	"the development plan"
226(2)	"Plan Winnipeg"	"the development plan"
226(3)	"Plan Winnipeg" wherever it occurs	"the development plan"
226(3.1)	"Plan Winnipeg" in the part before clause (a)	"the development plan"
226(3.2)	"Plan Winnipeg" in subclauses (a)(i) and (c)(ii)	"the development plan"
226(4)	"Plan Winnipeg"	"the development plan"
226(5)	"Plan Winnipeg"	"The development plan"
227(1)	"Plan Winnipeg by-laws" in the section heading "Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law" "development plan by-law"
227(2)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
228(1)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
229(1)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
229(2)	"Plan Winnipeg by-law"	"development plan by-law"
229(3)	"Plan Winnipeg by-law"	"development plan by-law"
230(1)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
230(3)	"Plan Winnipeg by-law"	"development plan by-law"
231	"Plan Winnipeg by-law"	"development plan by-law"
232(1)	"Plan Winnipeg by-law" wherever it occurs "Plan Winnipeg" in clause (a)	"development plan by-law" "the development plan"
232(2)	"Plan Winnipeg by-law" wherever it occurs	"development plan by-law"
233	"Plan Winnipeg by-law" in the section heading and in the section	"development plan by-law"
234(1)	"Plan Winnipeg" in clause (a)	"the development plan"

Column 1 <i>The City of</i> <i>Winnipeg Charter</i> Provision	Column 2 Strike out	Column 3 Substitute
235	"Plan Winnipeg by-law" "Plan Winnipeg"	"development plan by-law" "the development plan"
246(2)	"Plan Winnipeg by-law" in clause (a) "proposed Plan Winnipeg by-law" in subclauses (b)(i) and (c)(i) "amendment to Plan Winnipeg" in subclause (b)(i)	"development plan by-law" "proposed development plan by-law" "amendment to the development plan"
246(3)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
247(3)	"Plan Winnipeg" in clause (a)	"the development plan"
255(2)	"Plan Winnipeg" in the part before clause (a)	"the development plan"
257(1)	"Plan Winnipeg" in subclause (b)(i)	"the development plan"
269(1)	"Plan Winnipeg" in clause (a) "Plan Winnipeg by-law" in clause (b)	"the development plan" "development plan by-law"
269(3)	"Plan Winnipeg by-law" in the part before clause (a)	"development plan by-law"
274(2)	"Plan Winnipeg" in clause (a)	"development plan"
275(2)	"Plan Winnipeg" in clause (a)	"the development plan"
278(1)	"Plan Winnipeg" in clause (a)	"the development plan"
495(1)	"Plan Winnipeg by-laws" in clause (a)	"development plan by-law"

ANNEXE
(article 33)

Colonne 1 Dispositions de la Charte de la ville de Winnipeg	Colonne 2 Texte supprimé	Colonne 3 Nouveau texte
225(1)	« Plan de la ville de Winnipeg », <i>dans le titre et dans le passage introductif</i>	« plan d'aménagement »
226(1)	« Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« plan d'aménagement »
226(2) et (3)	« Plan de la ville de Winnipeg »	« plan d'aménagement »
226(3.1)	« Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« plan d'aménagement »
226(3.2)	« Plan de la ville de Winnipeg », <i>dans les sous-alinéas a)(i) et c)(ii)</i>	« plan d'aménagement »
226(4) et (5)	« Plan de la ville de Winnipeg »	« plan d'aménagement »
227(1)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« projet de règlement municipal sur le plan d'aménagement »
227(2)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlement municipal sur le plan d'aménagement »
228(1)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlement municipal sur le plan d'aménagement »
229(1)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlement municipal sur le plan d'aménagement »
230(1)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlement municipal sur le plan d'aménagement »
230(3)	« règlement municipal sur le plan de la ville de Winnipeg »	« règlement municipal sur le plan d'aménagement »
231	« règlement »	« règlement municipal sur le plan d'aménagement »

Colonne 1 Dispositions de la Charte de la ville de Winnipeg	Colonne 2 Texte supprimé	Colonne 3 Nouveau texte
232(1)	« règlement municipal », <i>dans le titre</i>	« règlement municipal sur le plan d'aménagement »
	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlement municipal sur le plan d'aménagement »
	« Plan de la ville de Winnipeg », <i>dans l'alinéa a)</i>	« plan d'aménagement »
	« règlement portant sur le Plan de la ville de Winnipeg », <i>dans l'alinéa b)</i>	« règlement municipal »
232(2)	« règlement municipal portant sur le Plan de la ville de Winnipeg »	« règlement municipal sur le plan d'aménagement »
233	« règlement municipal portant sur le Plan de la ville de Winnipeg »	« règlement municipal sur le plan d'aménagement »
234(1)	« Plan de la ville de Winnipeg »	« plan d'aménagement »
235	« règlement municipal portant sur le Plan de la ville de Winnipeg »	« règlement municipal sur le plan d'aménagement »
	« Plan de la ville de Winnipeg »	« plan d'aménagement »
246(2)	« règlement municipal portant sur le Plan de la ville de Winnipeg », <i>à chaque occurrence</i>	« règlement municipal sur le plan d'aménagement »
246(3)	« règlement municipal portant sur le Plan de la ville de Winnipeg »	« règlement municipal sur le plan d'aménagement »
247(3)	« Plan de la ville de Winnipeg », <i>dans l'alinéa a)</i>	« plan d'aménagement »
255(2)	« Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« plan d'aménagement »
257(1)	« Plan de la ville de Winnipeg », <i>dans le sous-alinéa b)(i)</i>	« plan d'aménagement »
269(1)	« Plan de la ville de Winnipeg », <i>à chaque occurrence</i>	« plan d'aménagement »
269(3)	« règlements municipaux portant sur le Plan de la ville de Winnipeg », <i>dans le passage introductif</i>	« règlements municipaux sur le plan d'aménagement »
275(2)	« Plan de la ville de Winnipeg »	« plan d'aménagement »
278(1)	« Plan de la ville de Winnipeg », <i>dans l'alinéa a)</i>	« plan d'aménagement »

Appendix D: Phase II Composite Interview Guide and Invitation

Representative Participant Session Invitation

Good afternoon,

Please find attached the interview guide for our session on DATE. We have also included reference materials for the legislation that is in scope of the review.

We have added this information into the meeting invitation.

The session will be conducted as a structured interview.

As a result, the agenda is straightforward:

1. Introductions
2. Structured interview

This interview guide is a guide only and we will adjust based on progress of the session. You will notice that there are large number of questions on different themes and issues that are part of the review.

We have scheduled for 2/3 hours to provide enough time for the discussions but will provide time back if it is not required. If you are familiar with the interview questions, it may be helpful but similarly is not necessary.

You may wish to provide feedback about individual sections or clauses in the legislation or the regulations but we are letting participants guide us on the level of feedback they wish to provide

The participants from our team are:

1. Name
2. Name
3. Name

We look forward to meeting with you.





Purpose for this meeting

- You have been selected because of your direct involvement as a <role of stakeholder> of these legislative changes
- To the extent possible, we are looking to gain your perspective on the legislation and its impacts in a broad range of contexts
- We are specifically interested to understand your perspective on Bill 34 and 37 as well as the appeal provisions of Bill 19.
- You/Your organization are/is a key stakeholder in the legislation and we are taking steps to ensure that all aspects of its impacts are understood during the review.
- **This is a confidential interview**
- **All feedback and findings will be aggregated by the review team with our final recommendation on consultation and analysis approach**

Background on the review process

- Legislated review that needs to be initiated by October 29, 2024 and tabled by government in the legislature by October 29, 2025
- Focused on the appeal provisions of Bill 19, Bill 34 and Bill 37 which have all been incorporated into the Planning Act as well as some un-proclaimed provisions that remain outstanding
- Three phases:
 - Project initiation/scoping phase – Completed and report will be released soon
 - Discovery/data gathering and analysis phase
 - Realization/report preparation and recommendation to government
- Review team is independent from MNR but working with a project team for coordination and scheduling
- This phase of the review will consist of:
 - Stakeholder engagement/consultation
 - Analysis of regulatory performance data for key metrics associated with the legislative changes
 - Structured formal submissions from specific stakeholders
 - Virtual consultation on the EngageMB platform
- Sessions are being coordinated with a wide range of stakeholders throughout the province on all aspects of the legislation and its supporting regulations

Participants from Review Team:

- Name
- Name
- Name

Overall impact of the legislation

What is your understanding of the scope of this review, deliverables and focus?

Has the legislation achieved its intended outcomes for consistency, certainty, clarity to all stakeholders from your perspective?

What parts of the legislation is operating most effectively?

Prompt: for development stakeholders, for quarry, for livestock operators, merit: timeframes, appeal, decisions

Do the established mechanisms function appropriately?

Prompt – application and approval, approval timeframes, provincial department review, development agreements, reasons for decisions, notice provisions, appeal process through the municipal board

Legislative changes to establish a common service standard

Do the established mechanisms to establish a common service standard and process function appropriately?

What is working well? What is not?

Prompt: Development plan, zoning bylaw, subdivision, development agreements, departmental/provincial review, timeframes, reasons for decision, designated employee, other

Prompt – Quarry and livestock operations

Legislation creates the capability for municipalities to establish/identify a designated employee to manage aspects of the application and approval process. Do you have any perspective on this aspect of the legislation?

Is the experience of the planning and development approval process consistent between all municipalities?

Prompt: CoW vs WMR, High vs low activity, between planning authorities, between planning districts, where province is planning authority, by capacity of developer

Manitoba circulates applications and plans for review by all departments. Do you have any perspective on this process?

What is your perspective on reasons for council decisions to explain decisions when an application is not approved?

Prompt: 2014 Ombudsman CoW

What has been the impact of the timeframe requirements on development agreements?

Early discussions between a municipalities and stakeholders are an important step in ensuring alignment and expectations. How has the legislation impacted the effectiveness of this critical first step?

Several media reports in many municipalities have identified that councils are changing the way they make decisions because of timeframes, new appeal process etc. Do you have any perspective this impact of the legislation?

Un-proclaimed parts of the legislation provide clarity on requirements for major developments. Do you have any perspective on this aspect of the legislation?

Based on your experience with the legislation and regulations intended to establish a common process and service standard to date, are there any lessons learned?

Are there aspects of the legislation or regulations that should be amended to better enable the objective of having a common service standard across the province?

From your perspective, are there aspects of the supporting regulations implemented to establish a common process and service standard that need to be changed?

Does the legislation strike the correct balance between the authority of locally elected governments to guide local decisions based on unique requirements and the expectation to establish a common service standard and timeframes for development approvals across the province?

Targeted questions

Have the provisions to create a common service standard and timeframes changed how Planning Districts work with their member municipalities?

We have had responses provided by several review departments with comments like:

“Due to circumstances beyond our control and with summer vacations, we are experiencing a critical shortage of staff. If you have not received comments from our section on any development application...i.e. subdivision, conditional uses, EAP etc, please accept this e-mail as a request for an extension and we will try and get to the application as soon as we can.”

Or

“We believe the requirements identified by the planning district are appropriate but we reserve the right to incorporate additional requirements at a future date.”

Or

“We do not have background information to make a determination in this area. The proposed development requires the following studies to be completed: LIST

after which we will determine requirements that will be applied to the proposed project.”

Or

“This project is in a {TYPE OF REGION} that requires completion of a [Study] or dedication of lands or fees in lieu of dedication. This is a new requirement defined under regulation X of the NAME ACT.”

Is this representative of the review processes in all departments?

What are the main impediments to a timely and effective review process?

Many municipal officials highlight concerns that the new legislation increases personal risk. They have also highlighted that the new rules increase risk to municipalities. Can you provide some perspective about legal and other risk based on the legislation?

Legislative change to establish regional planning boards

Are the changes implemented to bring consistency to regional planning across the province working as intended?

What is working well? What is not?

Prompt – formation of Board, ministerial appointment of members and chair, reporting, statutory corporation requirements, procedural requirements for Plan 2050, Scope of Plan 2050, Role of City of Winnipeg, contribution, other

Do you have any perspective on the formation, structure and operation of the Winnipeg Metropolitan Board and the development of Plan 2050?

Based on your experience to date, is the scope of Plan 2050 as defined appropriate for a new regional planning board? Are there any lessons learned from this experience?

Legislation specifically names the municipalities that are part of the WMR and provides for the Minister to vary membership by regulation. Do you have any perspective on this aspect of the legislation?

Legislation has established timeframes for WMR municipalities to align their development plans and by-laws with Plan 2050. Do you have any perspective on this aspect of the legislated implementation process?

The Minister may upon 2nd reading refer Plan 2050 to the Municipal Board under the legislation. Do you have any perspective on this aspect of legislated implementation process?

Are there aspects of the legislation and regulations to establish a consistent approach to regional planning across the province that need to be amended?

Are there aspects of the WMR Regulation that should be amended to support the work of the WMR?

Do these changes strike the correct balance between the authority of locally elected governments to guide local development decisions based on unique requirements and the expectation to formalize regional planning practices in the province?

Targeted questions

Shared benefit is often highlighted as a rationale for regional planning. How do you reflect on shared benefit with respect to the role of other municipalities in the region/interest of land owners and project proponents/impact of the indigenous development organizations in that context? Is the precedence of a Regional Plan, Development Plan Secondary Plan, and Zoning By-Law clear? Is precedence of decisions by councils, planning districts, commissions, regional planning board clear?

It has been suggested to our team that Mayor and Reeves may not be in the best position to lead regional planning work and the resulting decision making. What is your perspective on this as a member AMM municipality?

Legislative changes to establish appeal rights through the Municipal Board

Is the function of the Municipal Board as the appeal body working as intended? What is working well? What is not working well?

Prompt: 25 person threshold, de novo, process check, decisions, orders and/or referrals by municipality or Minister, other: case management

How have specified timeframes imposed for appeals impacted the appeal process?

Prompt: scheduling, hearing, decisions

Is a “de novo” hearing appropriate for planning and development appeals?

Are there alternate approaches that might be considered?

Based on your experience with the changes to the appeal function in the Municipal Board to date, are there any lessons learned that should be highlighted?

Prompt: time, costs, integrity

Municipal board officials and some stakeholders have suggested that the timeframe delays result from “a resourcing issue”. Is this a resourcing issue or something different based on your experience?

Are there alternatives to an appeal function residing in the municipal board?

Prompt: other bodies in MB – PUB, Labour Board as examples, other

Are there any aspects of the appeal process that need refinement?

Are there improvements to the legislation and regulations that could assist the Municipal Board to be more effective in its role with respect to planning and development appeals/referrals?

Prompt: guidelines, definition of valid appeal, other

Do these changes strike the correct balance between the authority of locally elected governments to guide local development decisions based on unique requirements and the expectation to formalize regional planning practices in the province?

Do these changes strike the correct balance between the authority of locally elected governments to guide local development decisions based on unique requirements and the expectation to establish an independent appeal function through the Municipal Board?

Targeted questions

It has been brought to our attention that the Municipal Board appeal processes have resulted in opening up of longstanding decisions by councils on conditional use approval decisions? Do you have any perspective on this issue?

How do Planning Districts manage the cost and time implications of appearances at the Manitoba Municipal Board for planning and development appeals between their member municipalities?

It has been brought to our attention that the Municipal Board appeal processes have resulted in opening up of longstanding decisions by councils on conditional use approval decisions? Do you have any perspective on this issue?

Is the Municipal Board intended to be more of a quasi-judicial body or an administrative tribunal? Do you have a perspective on the impact of this positioning relative to the effectiveness of the Municipal Board in resolving planning and development appeals? Has there been a change in approach with the implementation since the legislation has been enacted?

That Planning Act includes provisions for participants, notice, etc. for approvals. Municipal Board provides for “any” person who wishes to be heard based on the website.

Why was this not aligned with concepts in the Planning Act and City of Winnipeg Charter?

Prompt: Adjoining, distance, party in original appeal, etc.

“The applicable board, council or planning commission continues to have jurisdiction under the following provisions in respect of an order made under...” in contrast to the power of the Municipal Board to make “any other decision that the board, council or planning authority would otherwise make...”

What is your perspective on this aspect of the legislative authority created for the Municipal Board?

Prompt: balance, decisions vs referral of decision to municipalities

Prompt: Other jurisdictions

Legislation creates an automatic referral to the Municipal Board when there is “sufficient opposition”. As implemented in legislation is this really a referral that a municipality can consider or a directive/order?

Ensuring that there is an equitable right to appeal is a concept that was implemented in the drafting of the legislation. “If a project proponent is provided with a right to appeal a decision to the municipal board, it is a matter of equity that ‘the public’ should have an equivalent right.” What is the development industry’s perspective on this principle?

Do you have any perspective on why the Municipal Board has to assign costs?

Prompt: specific language about costs and municipalities as compared to objectors or appellants

It has been brought to our attention that the Municipal Board appeal processes have “considered” opening up of longstanding decisions by councils on changes to conditional uses brought through the appeal process? Do you have any perspective on this issue?

Wrap up

Overall, are there any other changes to any of the implemented planning legislation (Bill 19 appeal provisions, 34, 37) that can be made to improve outcomes?

Prompt: scope of change

Are there any other issues that you would like to **table with respect to the** legislation or regulations from the perspective of your organization?

Now that this interview has concluded, are there any questions or issues that were not raised that you anticipated in this session?

Statutory Review of Planning Legislation: Regulatory Performance Data Analysis

October 2024



Contents

1.0 The Manitoba Municipal Board Records Analysis.....	2
1.1 Key Findings	2
1.2 Methodology Used.....	3
1.3 Records Analyzed.....	4
1.4 Service Standards Evaluation Summary Tables.....	5
1.5 Service Standards Evaluation by Application Type	9
1.6 The Manitoba Municipal Board Records Overview	17
2.0 The City of Winnipeg Records Analysis	19
2.1 Key Findings	19
2.2 Methodology Used.....	20
2.3 Records Analyzed.....	21
2.4 Service Standards Evaluation Summary Table	22
2.5 Service Standards Evaluation by Application Type	24
3.0 Manitoban Municipalities Records Analysis	37
3.1 Key Findings	37
3.2 Methodology Used.....	37
3.3 Records Analyzed.....	38
3.4 Service Standards Evaluation Summary Table	40
2.5 Service Standards Evaluation by Application Type	42
4.0 Developer Data Analysis	57
4.1 Key Findings	57
4.2 Methodology Used.....	58
5.0 Online Data Request Survey Analysis.....	64
5.1 Key Findings	64
5.2 Methodology	65
5.3 Online Survey Questionnaire	66
5.4 Key Metrics	68

1.0 The Manitoba Municipal Board Records Analysis

1.1 Key Findings

Service Standards Performance Evaluation

Planning Act – Appeals

- 40% of standard subdivision appeals subject to The Planning Act are not meeting the service standard target for the maximum number of days allotted between the date a hearing is concluded and the order.
- 62% of zoning by-law appeals subject to The Planning Act are not meeting the service standard target for the maximum number of days provided between sufficient notice received and the hearing date.
- 57% of zoning by-law appeals subject to The Planning Act are not meeting the service standard target for the maximum number of days allotted between the date a hearing is concluded to the order.
- 0% of development agreement appeals subject to The Planning Act are not meeting the service standard targets between sufficient notice received and hearing date as well as the maximum number of days between the date a hearing is concluded to the order date.

Planning Act – Referrals

- 50% of zoning by-law referrals are not meeting the service standard target for the maximum number of days between the date a referral is filed with The Manitoba Municipal Board to the hearing date.
- 57% of zoning by-law referrals are not meeting the service standard target for the maximum number of days provided between the date a hearing is concluded to the order.

The Winnipeg Charter – Appeals

- 25% of standard subdivision appeals are not meeting the service standard target for the maximum number of days provided between sufficient notice received and the hearing date.
- 0% of zoning by-law appeals are not meeting the service standard target for the maximum number of days provided between sufficient notice received and the hearing date.

The Winnipeg Charter – Referrals

- 50% of zoning by-law referrals are not meeting the service standard target for the maximum number of days between the date a referral is filed with The Manitoba Municipal Board to the hearing date.

Project Review Team Observations

- Timelines for unlegislated dates, such as the time between sufficient notice received and the hearing date for standard subdivision appeals subject to The Planning Act, are long and would not meet comparable service standards.
- Standard subdivision appellants with appeals subject to The Planning Act wait an average of 174 days and a maximum of 343 days for their hearing to be scheduled by The Manitoba Municipal Board.

1.2 Methodology Used

This section includes detailed analysis on appeal and referral records that have been fully processed by The Manitoba Municipal Board to inform this review's final recommendations and to provide visibility into The Manitoba Municipal Board's ability to meet the new legislated service standards that were introduced through amendments made to The Planning Act and The Winnipeg Charter Act.

Appeal and Referral Records Provided

A total of 70 appeal and referral records were provided by The Manitoba Municipal Board to complete this analysis. Available and shareable appeal and referral records were also made available by Manitoba, the City of Winnipeg, and select municipalities to conduct cross evaluations where appropriate and to resolve any appeal or referral timeline discrepancies. Appellant information is not included in this analysis to protect planner, developer, and other party anonymity in this process.

Appeal and Referral Records Analyzed

The following application types and processes were evaluated by this analysis:

- The Planning Act – secondary plan approval process, zoning by-law approval process, standard subdivision approval process, and the conditional use approval process
 - The conditional use approval process analyzed by the review team applies only for large livestock operations and aggregate operations. This scope applies to all conditional use process analysis performed in this section.
- The City of Winnipeg Charter – secondary plan approval process, zoning by-law amendment process, standard subdivision approval process, and the development agreement amendment process.

Analytical Approach

Appeal and referral records were organized by application type (e.g., standard subdivisions) and further categorized by applicable geography and legislation (e.g., The Planning Act) to ensure the appropriate legislated service standards were applied to the right set of appeal and referral records. Records provided by Manitoba, the City of Winnipeg, and other municipalities were then held against data provided by The Manitoba Municipal Board to identify and resolve any timeline discrepancies.

Organized and analyzable appeal and referral records were then thoroughly assessed to identify the number of instances by application type meeting the appropriate service standard, the average number of days required between timelines, the median number of days between timelines, the minimum number of days between timelines, and the maximum number of days between timelines to provide full visibility into current timelines observed by appellants who have submitted appeals or who have been referred to The Manitoba Municipal Board.

Analytical Outputs

The analysis performed on The Manitoba Municipal Board's records delivered the following analytical outputs:

- Service Standards Evaluation Summary Tables
- Service Standards Evaluation by Application Type

The Service Standards Evaluation Summary Tables highlight current service standards performance by application type and applicable geography and legislation while additional analysis and flow chart visualizations are made available through the Service Standards Evaluation by Application Type materials.

1.3 Records Analyzed

The following table highlights the total number of appeal and referral records provided for this analysis organized by applicable geography and legislation. The service standards evaluation performed only incorporated analyzable records that included the timelines required to accurately assess service standard performance (e.g., the date the filing was made and the date the hearing was held for an appeal record). Records that did not contain key dates required for this analysis were not used.

Type of Application	Quantity
Municipality Appeals (The Planning Act)	
Development Agreements	1
Secondary Plan Amendments	1
Zoning By-Laws	9
Standard Subdivisions	29
Conditional Uses for Large Livestock or Aggregate Operations	5
Municipality Referrals (The Planning Act)	
Secondary Plan Amendments	0
Zoning By-Laws	11
Other (e.g., Minister Referral, Application Not Specified)	4
City of Winnipeg Appeals (The City of Winnipeg Charter)	
Development Agreements	0
Secondary Plan Amendments	0
Zoning By-Laws	1
Standard Subdivisions	4
Other (e.g., Incomplete, Application Not Specified)	3
City of Winnipeg Referrals (The City of Winnipeg Charter)	
Secondary Plan Amendments	0
Zoning By-Laws	2
Airport Vicinity Protection Area Zoning By-law Amendments or Subdivisions	0
Total	70

1.4 Service Standards Evaluation Summary Tables

The Manitoba Municipal Board Records Analysis – The Planning Act, Appeals

The following analysis applies to appeal service standards performance that are subject to The Planning Act (e.g., all municipalities except for the City of Winnipeg) and is organized by highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Conditional Uses for Large Livestock or Aggregate Operations	There is no timeline on when the Municipal Board must hold a hearing once an appeal notice has been received	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation	30 days from date hearing is concluded to order	1	23	23	23	23	100%
Standard Subdivisions	There is no timeline on when the Municipal Board must hold a hearing once an appeal notice has been received	16	174	181	80	343	No Legislative Timelines Established for Proper Evaluation	30 days from date hearing is concluded to order	10	39	29	26	93	60%
Zoning By-Laws	120 days from appeal notice or sufficient objections notice is received to hearing	8	194	159	83	481	38%	60 days from date hearing is concluded to order	7	84	70	22	182	43%
Development Agreements	120 days from appeal notice or sufficient objections notice is received to hearing	1	128	128	128	128	0%	60 days from date hearing is concluded to order	1	128	128	128	128	0%
Secondary Plan Amendments	120 days from appeal notice or sufficient objections notice is	-	-	-	-	-	Incomplete Records for Proper Evaluation	60 days from date hearing is	-	-	-	-	-	Incomplete Records for Proper Evaluation

Service Standards Performance Color Code ■ 0% - 24% ■ 25% - 49% ■ 50% - 74% ■ 75% - 99% ■ 100%

	received to hearing							concluded to order						
--	---------------------	--	--	--	--	--	--	--------------------	--	--	--	--	--	--

The Manitoba Municipal Board Records Analysis – The Planning Act, Referrals

The following analysis applies to referral service standards performance that are subject to The Planning Act (e.g., all municipalities except for the City of Winnipeg) and is organized by highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Secondary Plan Amendments	120 days from appeal notice or sufficient objections notice is received to hearing	1	40	40	40	40	100%	60 days from date hearing is concluded to order	1	40	40	40	40	100%
Zoning By-Laws	120 days from appeal notice or sufficient objections notice is received to hearing	8	111	126	34	178	50%	60 days from date hearing is concluded to order	7	84	70	22	182	43%

Service Standards Performance Color Code ■ 0% - 24% ■ 25% - 49% ■ 50% - 74% ■ 75% - 99% ■ 100%

The Manitoba Municipal Board Records Analysis – The Winnipeg Charter, Appeals

The following analysis applies to appeal service standards performance that are subject to The Winnipeg Charter (e.g., City of Winnipeg only) and is organized by highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Standard Subdivisions	120 days from appeal notice or sufficient objections notice is received to hearing	4	137	115	104	215	75%	60 days from date hearing is concluded to order	3	59	59	59	60	100%
Zoning By-Laws	120 days from appeal notice or sufficient objections notice is received to hearing	1	215	215	215	215	0%	60 days from date hearing is concluded to order	1	60	60	60	60	100%
Development Agreements	120 days from appeal notice or sufficient objections notice is received to hearing	-	-	-	-	-	Incomplete Records for Proper Evaluation	60 days from date hearing is concluded to order	-	-	-	-	-	Incomplete Records for Proper Evaluation
Secondary Plan Amendments	120 days from appeal notice or sufficient objections notice is received to hearing	-	-	-	-	-	Incomplete Records for Proper Evaluation	60 days from date hearing is concluded to order	-	-	-	-	-	Incomplete Records for Proper Evaluation

Service Standards Performance Color Code ■ 0% - 24% ■ 25% - 49% ■ 50% - 74% ■ 75% - 99% ■ 100%

The Manitoba Municipal Board Records Analysis – The Winnipeg Charter, Referrals

The following analysis applies to referral service standards performance that are subject to The Winnipeg Charter (e.g., City of Winnipeg only) and is organized from highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Zoning By-Laws	120 days from appeal notice or sufficient objections notice is received to hearing	2	184	184	111	258	50%	60 days from date hearing is concluded to order	2	58	58	57	59	100%
Secondary Plan Amendments	120 days from appeal notice or sufficient objections notice is received to hearing	-	-	-	-	-	Incomplete Records for Proper Evaluation	60 days from date hearing is concluded to order	-	-	-	-	-	Incomplete Records for Proper Evaluation

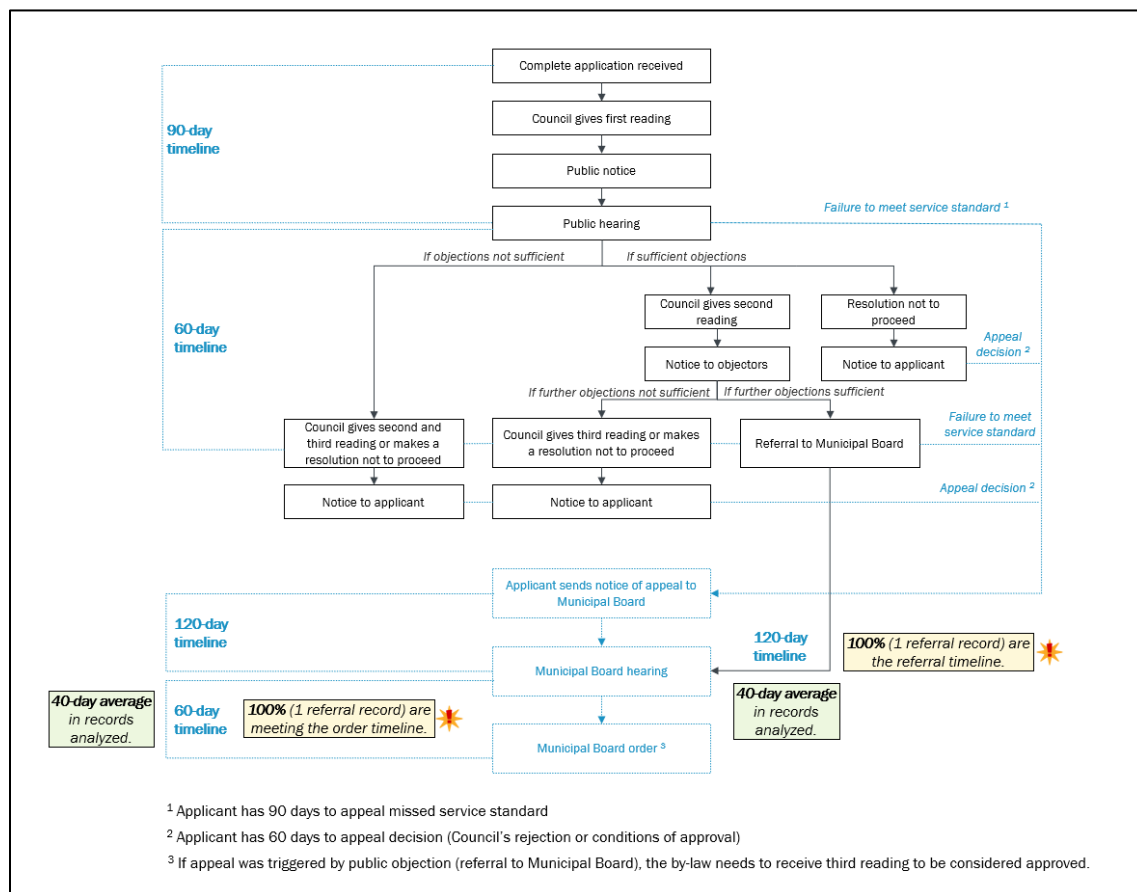
Service Standards Performance Color Code ■ 0% - 24% ■ 25% - 49% ■ 50% - 74% ■ 75% - 99% ■ 100%

1.5 Service Standards Evaluation by Application Type

The Planning Act – Secondary Plan Approval Process

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	0
Number of Records Used to Evaluate Service Standard 2 for Appeals	0
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	1
Number of Records Used to Evaluate Service Standard 2 for Referrals	1

The Planning Act – Secondary Plan Approval Process Chart¹

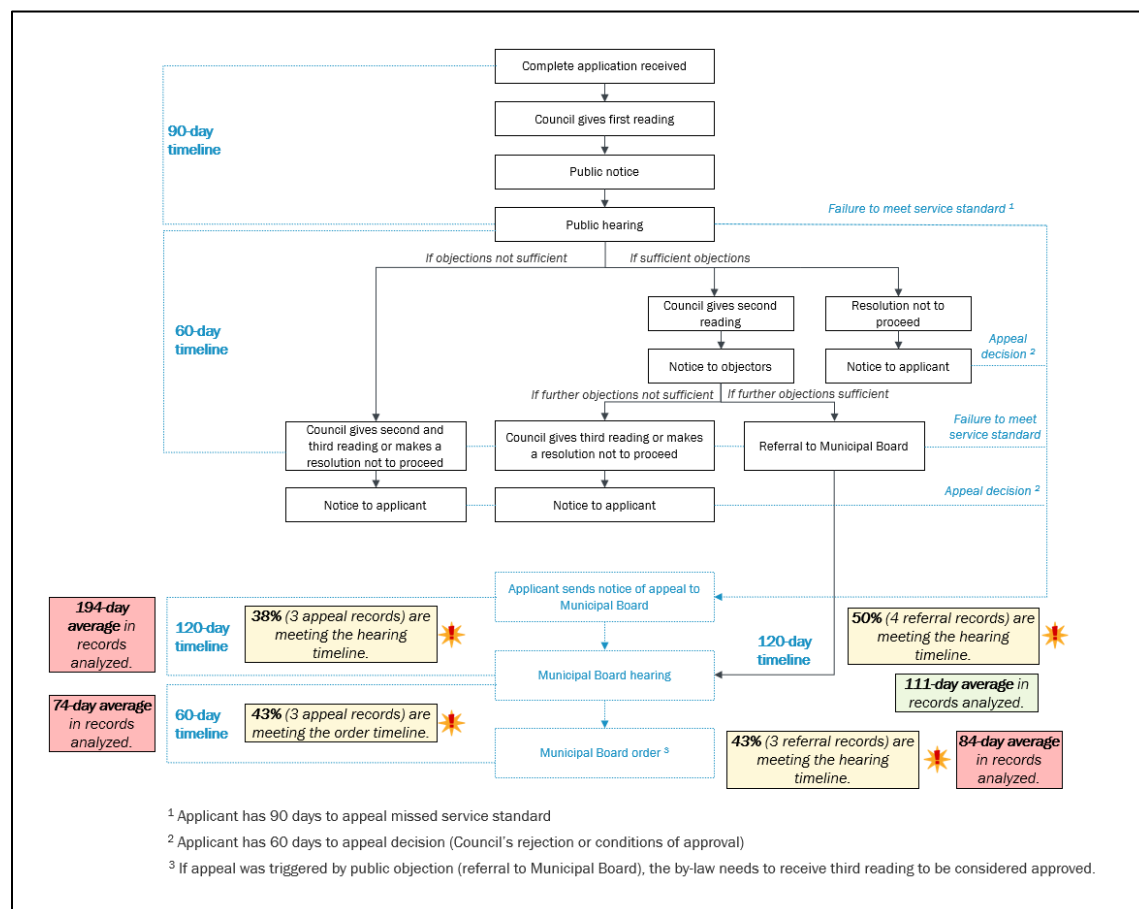


¹ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Planning Act – Zoning By-Law Approval Process

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	8
Number of Records Used to Evaluate Service Standard 2 for Appeals	7
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	8
Number of Records Used to Evaluate Service Standard 2 for Referrals	8

The Planning Act – Zoning By-Law Approval Process Chart²

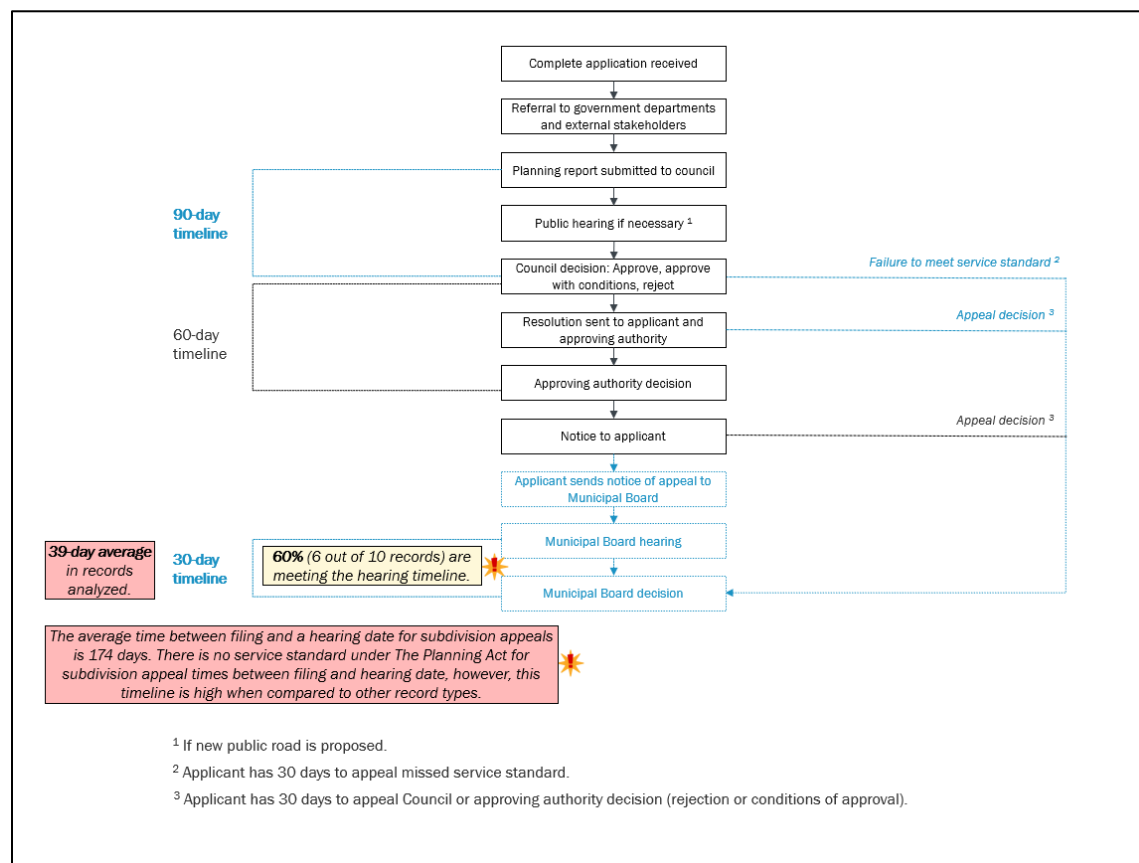


² Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Planning Act – Standard Subdivision Approval Process

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	0
Number of Records Used to Evaluate Service Standard 2 for Appeals	10
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	0
Number of Records Used to Evaluate Service Standard 2 for Referrals	0

The Planning Act – Standard Subdivision Approval Process Chart³

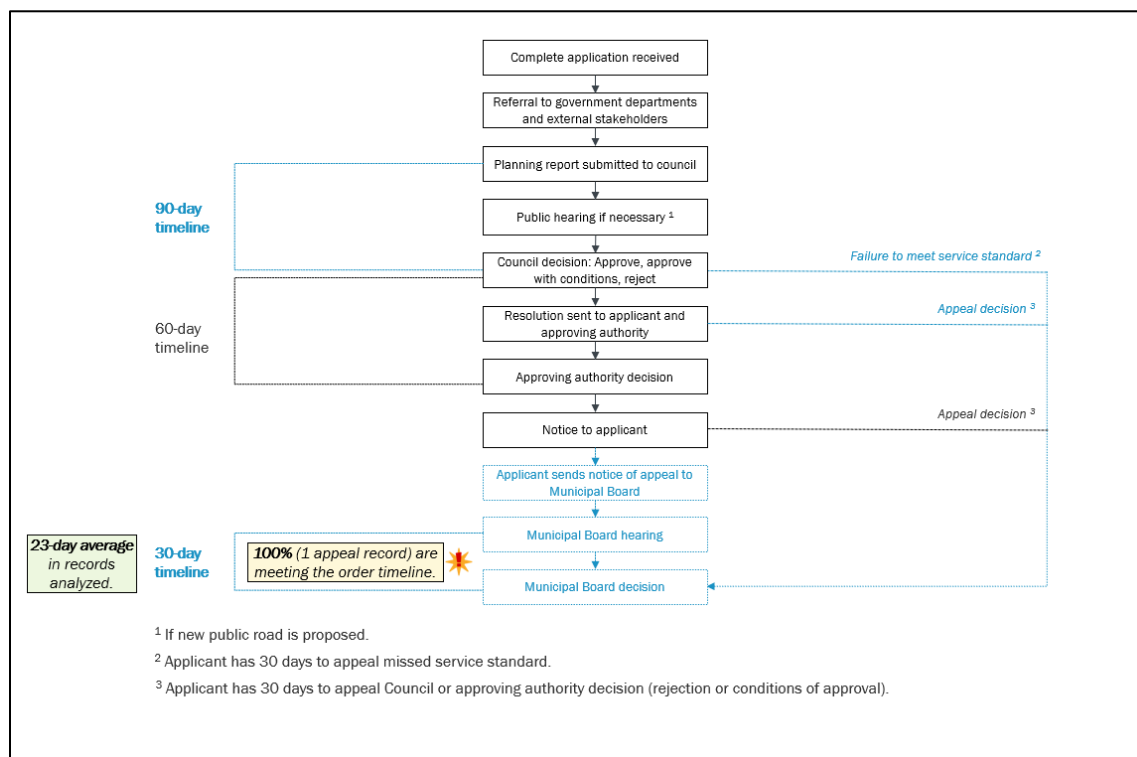


³ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Planning Act – Conditional Use for Large Livestock or Aggregate Operation Approval Process

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	0
Number of Records Used to Evaluate Service Standard 2 for Appeals	1
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	0
Number of Records Used to Evaluate Service Standard 2 for Referrals	0

The Planning Act – Conditional Use Approval Process Chart⁴

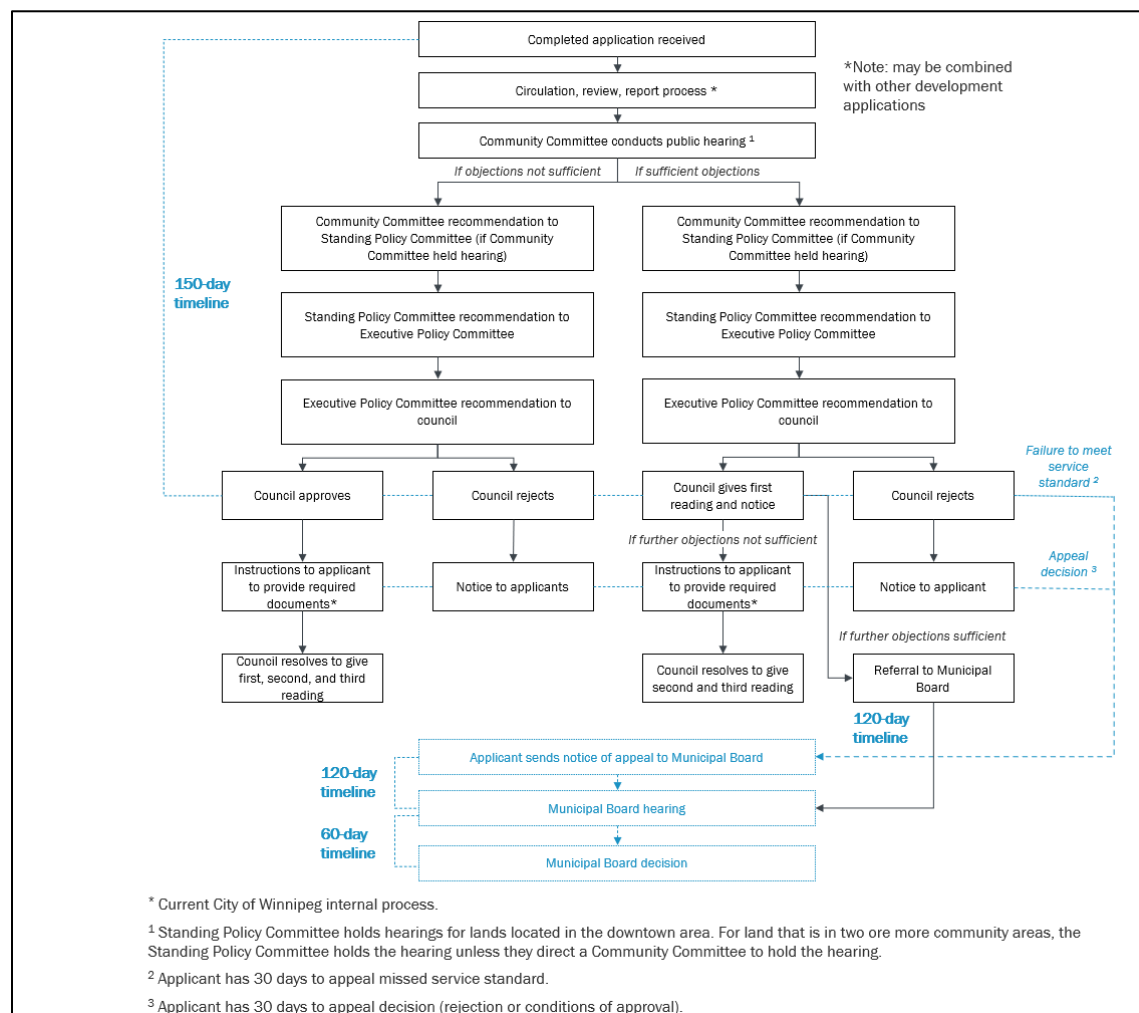


⁴ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Winnipeg Charter – Secondary Plan Amendment Approval Process

Analytical Scope	Detail
Applicable Legislation	The City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	0
Number of Records Used to Evaluate Service Standard 2 for Appeals	0
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	0
Number of Records Used to Evaluate Service Standard 2 for Referrals	0

The City of Winnipeg Charter – Secondary Plan Amendment Approval Process Chart⁵

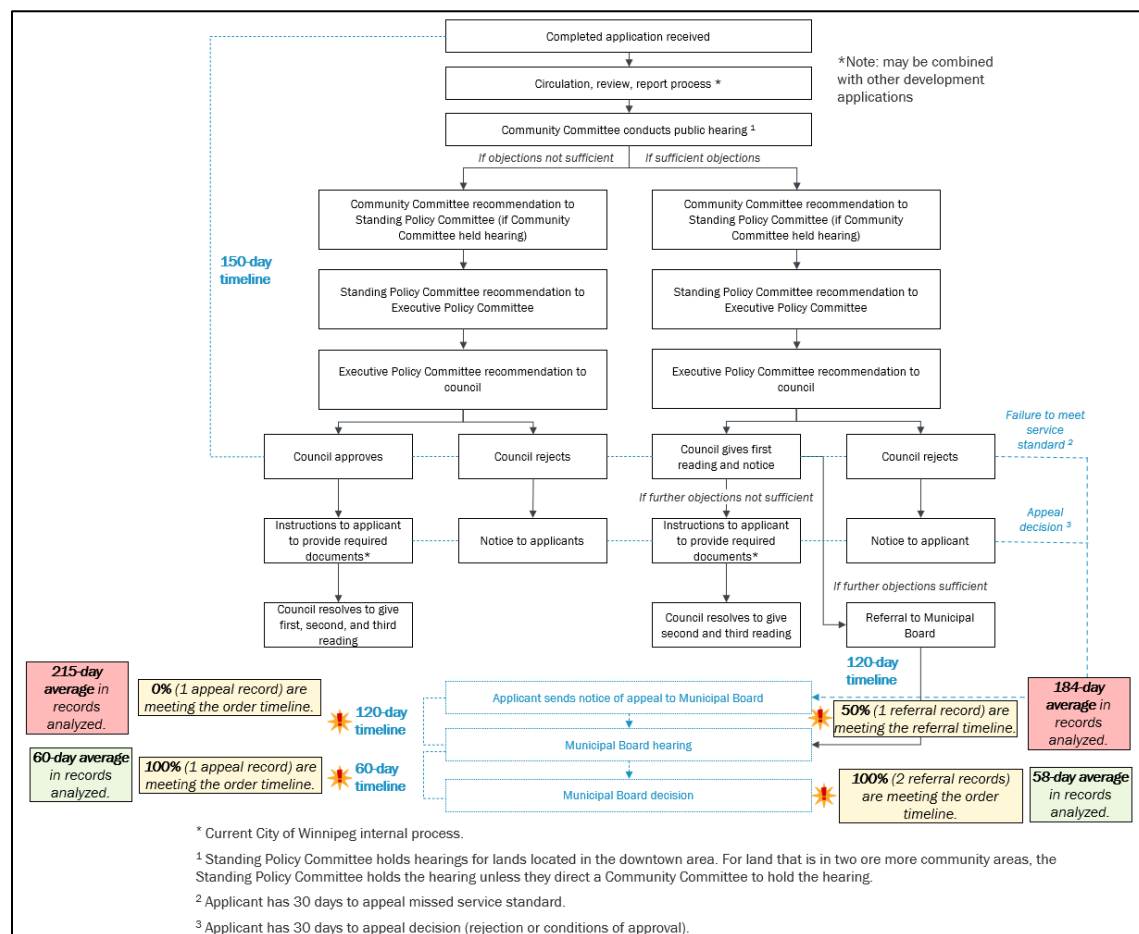


⁵ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Winnipeg Charter – Zoning By-Law Amendment Process

Analytical Scope	Detail
Applicable Legislation	The City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	1
Number of Records Used to Evaluate Service Standard 2 for Appeals	0
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	2
Number of Records Used to Evaluate Service Standard 2 for Referrals	2

The City of Winnipeg Charter – Zoning By-Law Amendment Process Chart⁶

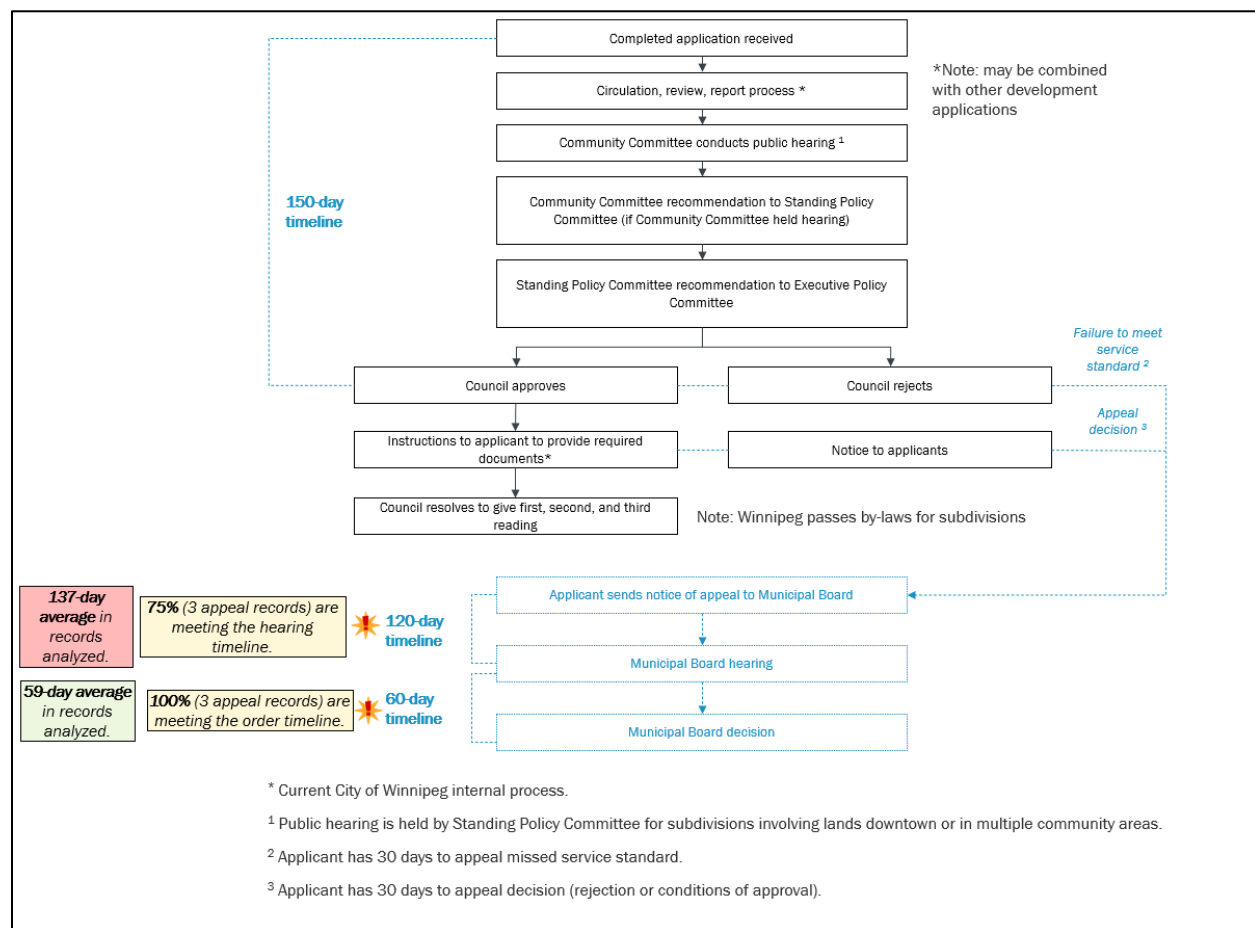


⁶ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Winnipeg Charter – Standard Subdivision Approval Process

Analytical Scope	Detail
Applicable Legislation	The City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	4
Number of Records Used to Evaluate Service Standard 2 for Appeals	3
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	0
Number of Records Used to Evaluate Service Standard 2 for Referrals	0

The City of Winnipeg Charter –Standard Subdivision Approval Process Chart⁷

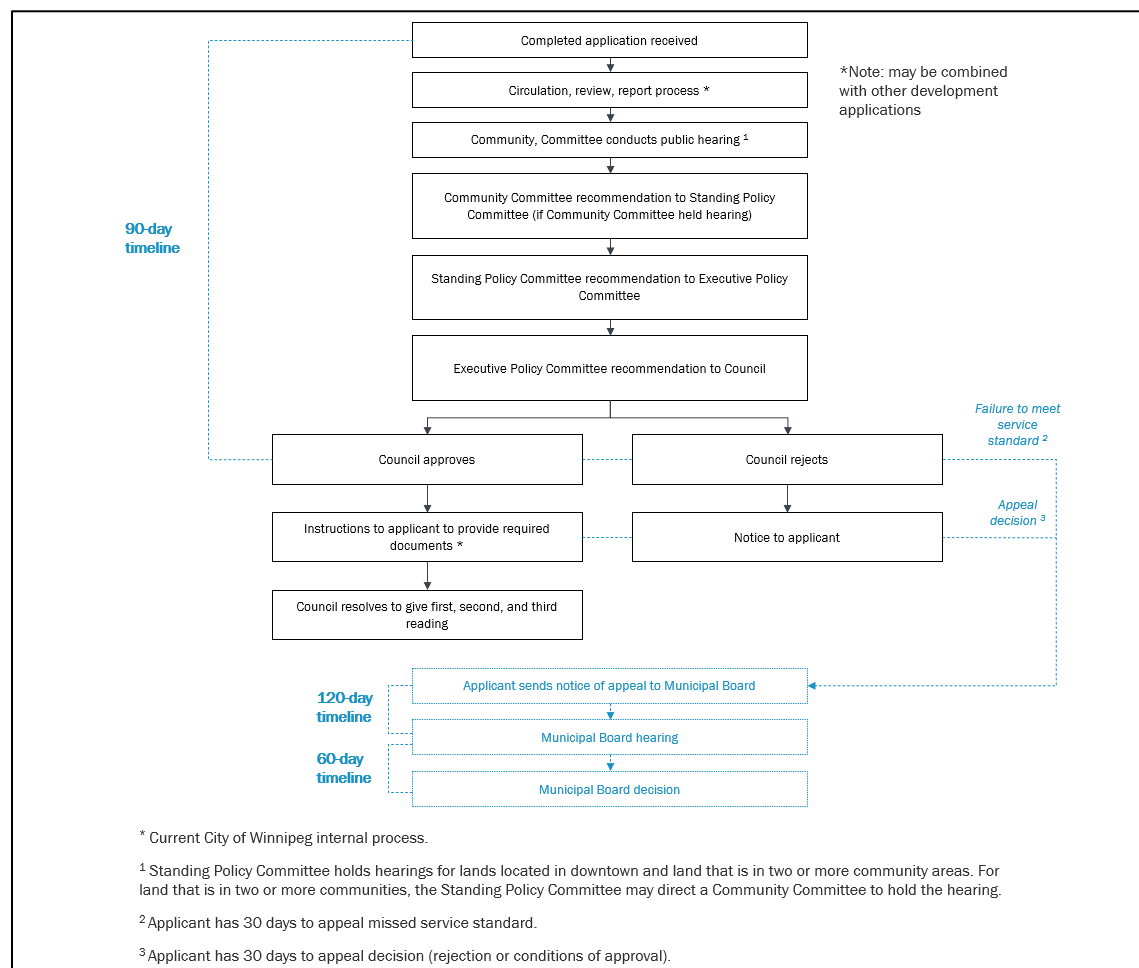


⁷ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The Winnipeg Charter – Development Agreement Amendment Process

Analytical Scope	Detail
Applicable Legislation	The City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Applicable Timeline	October 28, 2021 – Available Records To-Date
Appeals Analysis	
Number of Records Used to Evaluate Service Standard 1 for Appeals	0
Number of Records Used to Evaluate Service Standard 2 for Appeals	0
Referral Analysis	
Number of Records Used to Evaluate Service Standard 1 for Referrals	0
Number of Records Used to Evaluate Service Standard 2 for Referrals	0

The City of Winnipeg Charter – Development Agreement Amendment Process Chart⁸



⁸ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

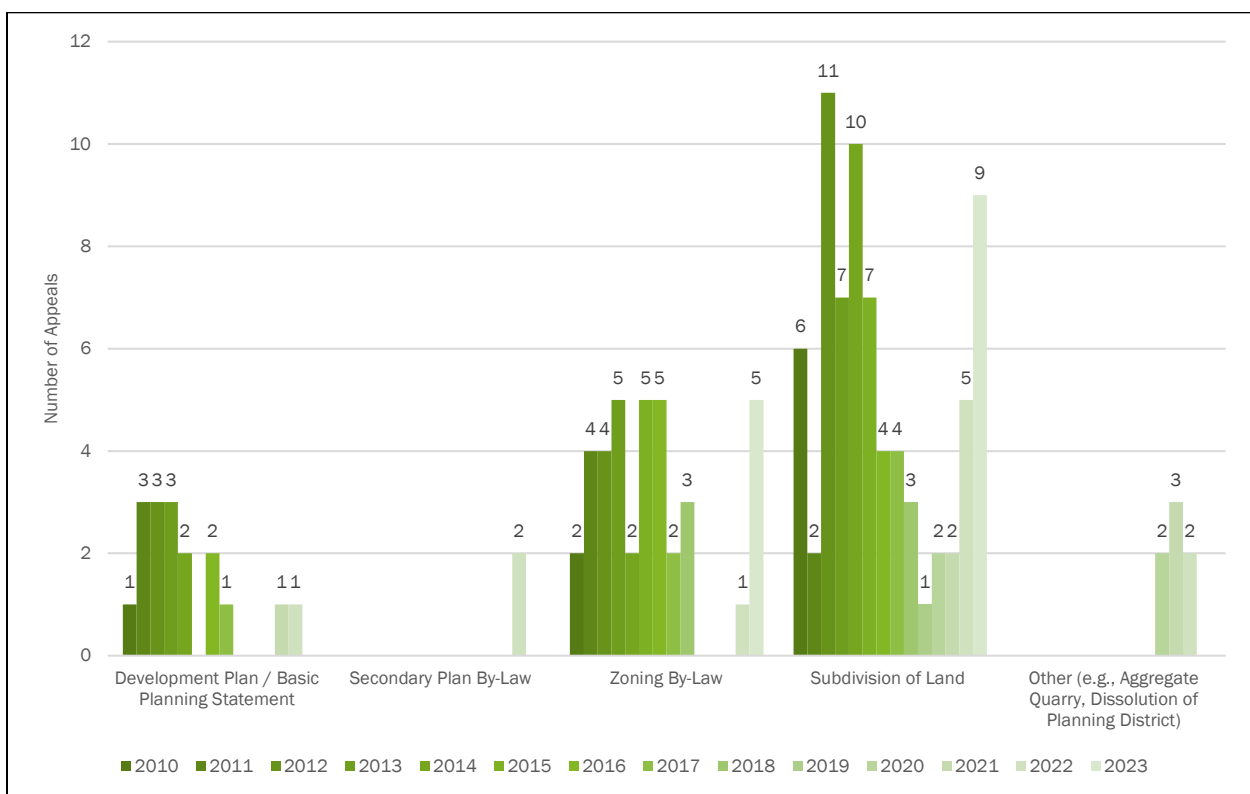
1.6 The Manitoba Municipal Board Records Overview

The following table outlines the total number of planning and development appeals (137) by appeal and referral type recorded between 2010 and 2023. This table is included to provide additional perspective into The Manitoba Municipal Board's number of planning and development appeals and referrals before the legislation within review scope was introduced on October 29, 2021.

Decision Date	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Appeals															
Development Plan / Basic Planning Statement	1	3	3	3	2	0	2	1	0	0	0	1	1	0	17
Secondary Plan By-Law	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2
Zoning By-Law	2	4	4	5	2	5	5	2	3	0	0	0	1	5	38
Subdivision of Land	6	2	11	7	10	7	4	4	3	1	2	2	5	9	73
Other (e.g., Aggregate Quarry, Dissolution of Planning District)	0	0	0	0	0	0	0	0	0	0	2	3	2	0	7
Total	9	9	18	15	14	12	11	7	6	1	4	6	11	14	137
Referrals															
Side with Municipality (Confirm By-Law)	0	0	0	0	0	0	0	0	0	0	0	0	6	4	10
Side with Public (Refuse By-Law)	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Side with Province (Refuse By-Law)	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2

Alter By-Law (No Clear Side)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
No Decision (Out of Scope)	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Total	0	0	0	0	0	0	0	0	0	0	0	0	8	6	14

The 137 appeals in the above table are visualized in the following graph to visually show how the volume of planning and development appeals and referrals have changed between 2010 and 2023.



Since October 29, 2021, most appeals and referrals processed by The Manitoba Municipal Board have been enabled by legislation pre-dating Bill 37:

- 53 appeals and referrals made after Bill 37 are enabled by statutory authorities pre-dating Bill 37,
- 17 appeals and referrals made after Bill 37 are enabled by statutory authorities introduced through Bill 37:
 - 7 land use appeals under The Planning Act,
 - 8 land use appeals under The City of Winnipeg Charter, and
 - 2 public opposition referrals under The City of Winnipeg Charter.

2.0 The City of Winnipeg Records Analysis

2.1 Key Findings

Service Standards Performance Evaluation

- 29% of development agreement records subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days provided between the date a completed application is received to the date it is completed.
- 22% of secondary plan amendment decisions subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days a completed application is received by the city to decision.
- 22% of zoning by-law amendment decisions subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days a completed application is received by the city to decision.
- 14% of standard subdivision decisions by council subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days a completed application is received by the city to decision.
- 10% of development permits subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days for the city to deem whether an application is complete.
- 8% of standard subdivision decisions by designated employee subject to The Winnipeg Charter are not meeting the service standard target for the maximum number of days between the date a completed application is received to decision.

Project Review Team Observations

- The City of Winnipeg is not consistently meeting its service standards for secondary plan applications, zoning by-law amendments, and development agreement amendments.
- There is major variation in the days required to process these application types and there is no discernible predictable pattern in the records analyzed.
- The City of Winnipeg is generally consistent in meeting its service standard targets for standard subdivision decisions made by council and standard subdivision decisions made by designated employee.
- There are minimal outliers and exceptions affecting the City of Winnipeg's performance and almost all records for standard subdivision decisions made by council (86%) and designated employee (90%) are meeting the appropriate service standards.
- The data analyzed show that the City of Winnipeg is improving in its ability to process development permit applications and that the city is increasingly meeting the appropriate service standards for development permit applications.
- The quartile and scatter plot assessment for development permit applications shows that the city's performance has increased significantly in 2023 and 2024 versus previous years.

2.2 Methodology Used

This section includes detailed analysis on planning and development records (e.g., standard subdivisions) for the City of Winnipeg to evaluate overall service standards performance and to identify trends in the City of Winnipeg's ability to process different types of planning and development applications.

Planning and Development Records Provided

A total of 7,106 planning and development records were provided by the City of Winnipeg to perform this analysis. Select developers operating within the Manitoba ecosystem shared about 15 records with the review team to compare timelines collected by the City of Winnipeg versus those compiled by developers. Developer data was used where appropriate to resolve and close any timeline discrepancies in the data sets provided.

Planning and Development Records Analyzed

The following planning and development records processed by the City of Winnipeg were evaluated:

- Secondary Plan Amendment Decisions
- Zoning By-Law Amendment Decisions
- Standard Subdivision Decision by Council
- Standard Subdivision Decision by Designated Employee
- Development Agreement Executed Under Subsection 240.4 or Ordered by The Manitoba Municipal Board Under Section 282.1
- Development Agreement Amendment
- Development Permit

Analytical Approach

Planning and development records were compiled by application type and then analyzed to determine the number of instances by application type meeting the appropriate service standard, the average number of days required between timelines, the median number of days between timelines, the maximum number of days between timelines, and the minimum number of days between timelines.

Quartile (e.g., box plot), scatter plot, and flow chart analyses were also performed on all application types to visualize legislated planning and development timelines by application type. This statistical analysis was used to inform any wait time recommendations and observations on the data sets analyzed for the City of Winnipeg.

Analytical Outputs

The analysis performed on the City of Winnipeg's records delivered the following analytical outputs:

- Service Standards Evaluation Summary Table
- Service Standards Evaluation by Application Type

The Service Standards Evaluation Summary Table showcases the City of Winnipeg's service standards performance at a high level whereas additional analysis (e.g., scatter plots) are made available through the Service Standards Evaluation by Application Type.

2.3 Records Analyzed

The following table showcases the type of applications and records analyzed that were provided by the City of Winnipeg.

Type of Application	Quantity
Standard Subdivision and Rezoning	242
Rezoning	95
Zoning Agreement Amendment	44
Short Form Subdivision	74
Consent / Conveyance	10
Plan of Survey	3
Condominium Plan	9
Development Agreement Amendment	8
Secondary Plan and Secondary Plan Amendments	17
Development Permits	6604
Total	7106

Several data sets were provided by the City of Winnipeg for this analysis. Any records with sufficient timelines for analysis (e.g., contained the timelines and dates required for an accurate service standards assessment) were used by the review team.

2.4 Service Standards Evaluation Summary Table

The City of Winnipeg Records Analysis

The following service standards analysis applies to planning and development records provided by the City of Winnipeg and is organized by highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Standard Subdivision Decision by Designated Employee	60 days from date completed application is received by city to decision	70	50	43	29	384	92%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Development Permit	20 days to determine whether application is complete from date application submitted	6,604	8	4	1	367	90%	60 days to determine if the proposed development conforms with the applicable provisions of the development plan by-law	-	-	-	-	-	Incomplete Records for Proper Evaluation
Standard Subdivision Decision by Council	150 days from date completed application is received by city to decision	88	131	119	71	474	86%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Zoning By-Law Amendment Decision	150 days from date completed application is received by city to decision	14	116	114	66	209	78%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Secondary Plan Amendment Decision	150 days from date completed application is received by city to decision	9	100	63	31	281	78%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Development Agreement Amendment	90 days from date completed application is received by city	7	87	62	31	207	71%	-	-	-	-	-	-	No Legislative Timelines Established

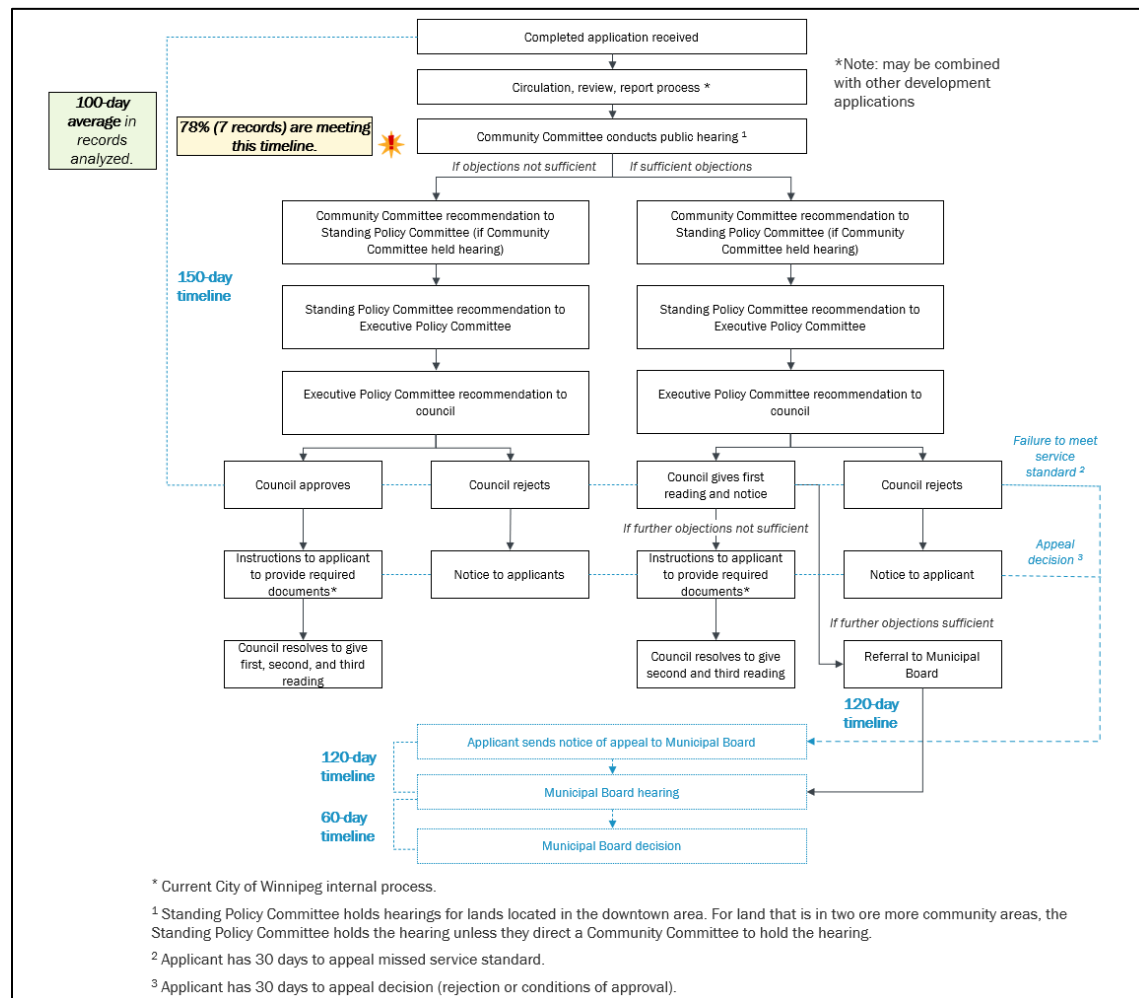
														for Proper Evaluation
Development Agreement Executed Under Subsection 240(4)	90 days from date applicable zoning by-law, plan of subdivision, conditional use or variance is approved by the city or ordered by The Municipal Board	-	-	-	-	-	Incomplete Records for Proper Evaluation	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation

Service Standards Performance Color Code ■ 0% - 24% ■ 25% - 49% ■ 50% - 74% ■ 75% - 99% ■ 100%

The City of Winnipeg – Secondary Plan Amendments

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	150 days from date completed application is received by city to decision
Analyzable Records Provided After October 29, 2021, for Service Standard	9
Service Standard Performance After October 29, 2021	78%

The City of Winnipeg – Secondary Plan Amendments Process Chart⁹

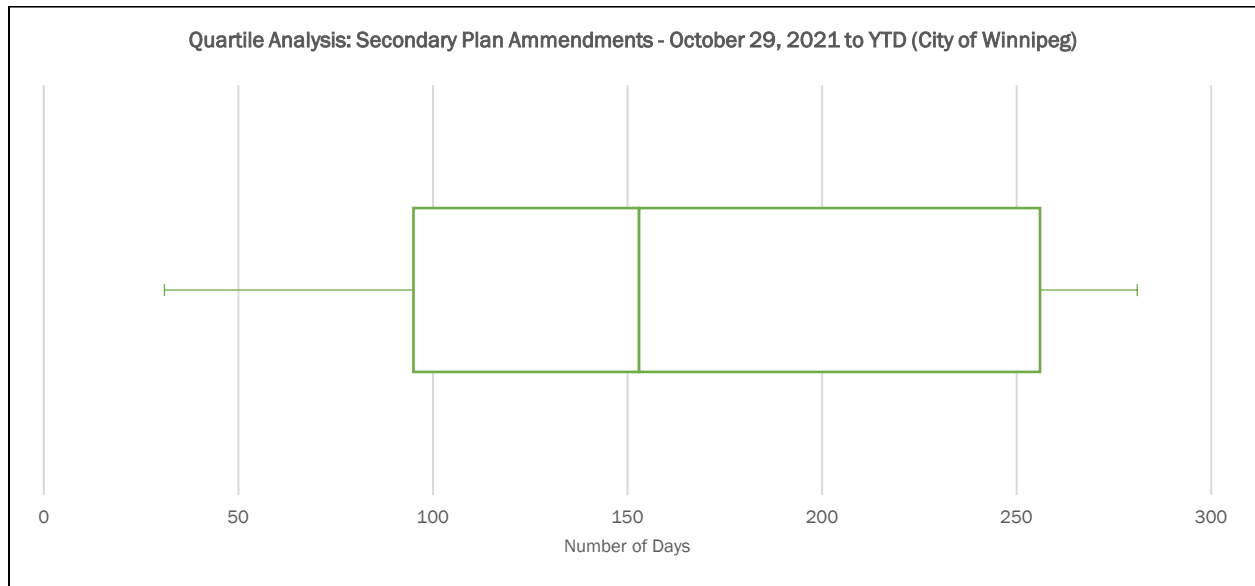


⁹ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

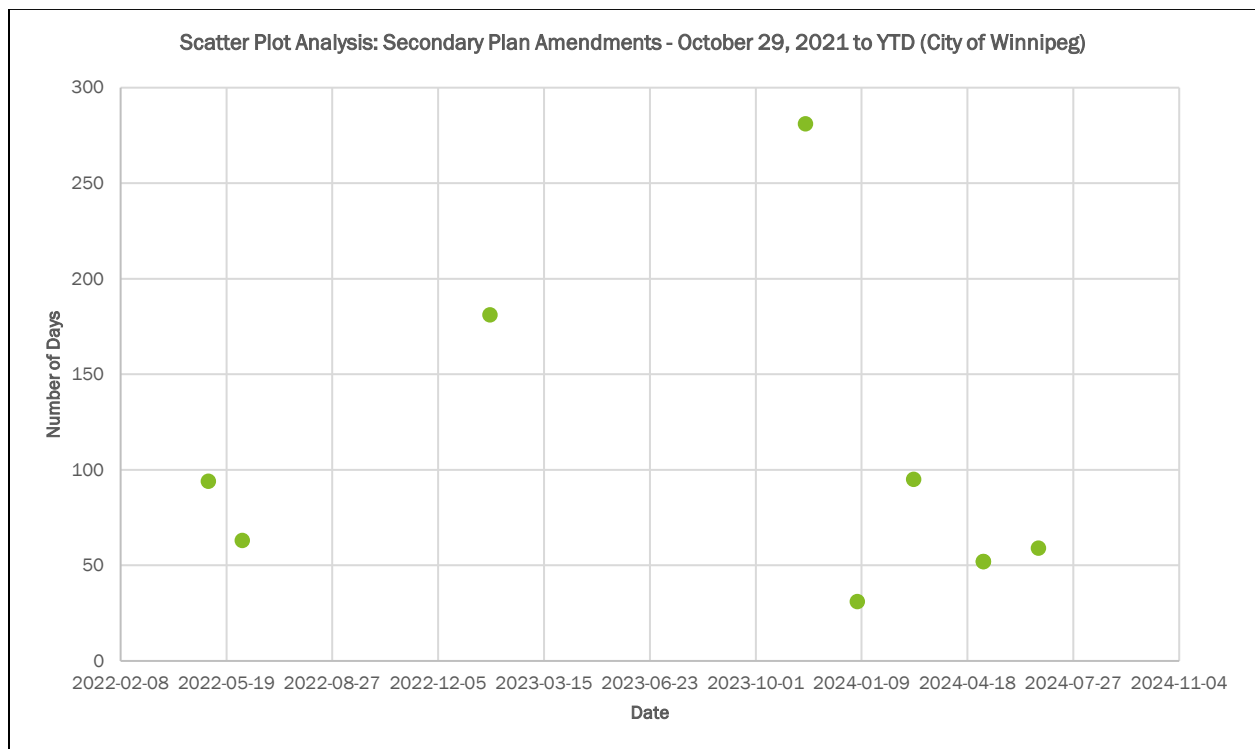
Statistical Analysis – Secondary Plan Amendments

- The quartile assessment for secondary plan applications shows that about half of applicants must wait longer than the legislated service standard.
- The scatter plot assessment for secondary plan applications shows that there is significant variation in the City of Winnipeg’s ability to process secondary plan applications.

Quartile Assessment – Secondary Plan Applications



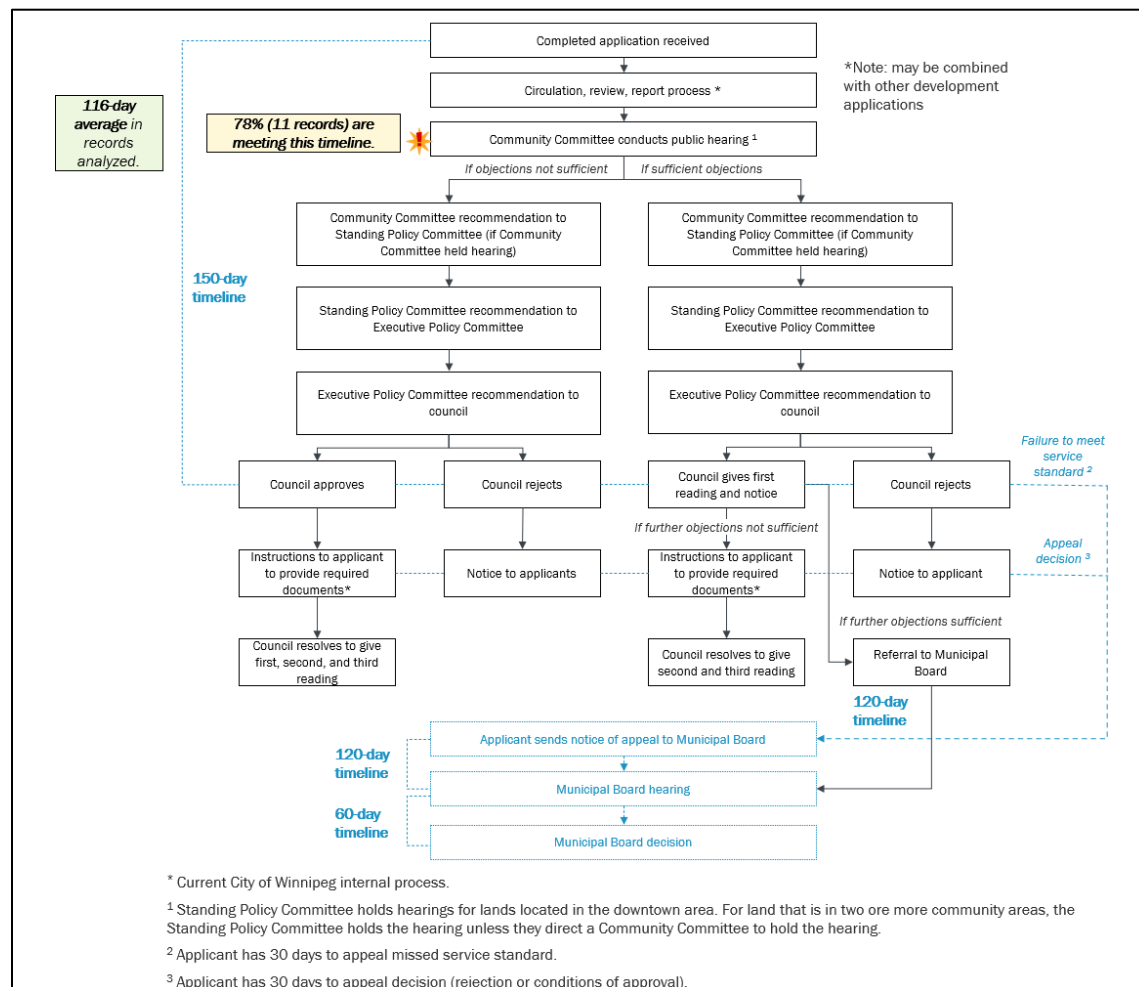
Scatter Plot Assessment – Secondary Plan Applications



The City of Winnipeg – Zoning By-Law Amendments

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	150 days from date completed application is received by city to decision
Analyzable Records Provided After October 29, 2021, for Service Standard	14
Service Standard Performance After October 29, 2021	78%

The City of Winnipeg – Zoning By-Law Amendments Process Chart¹⁰

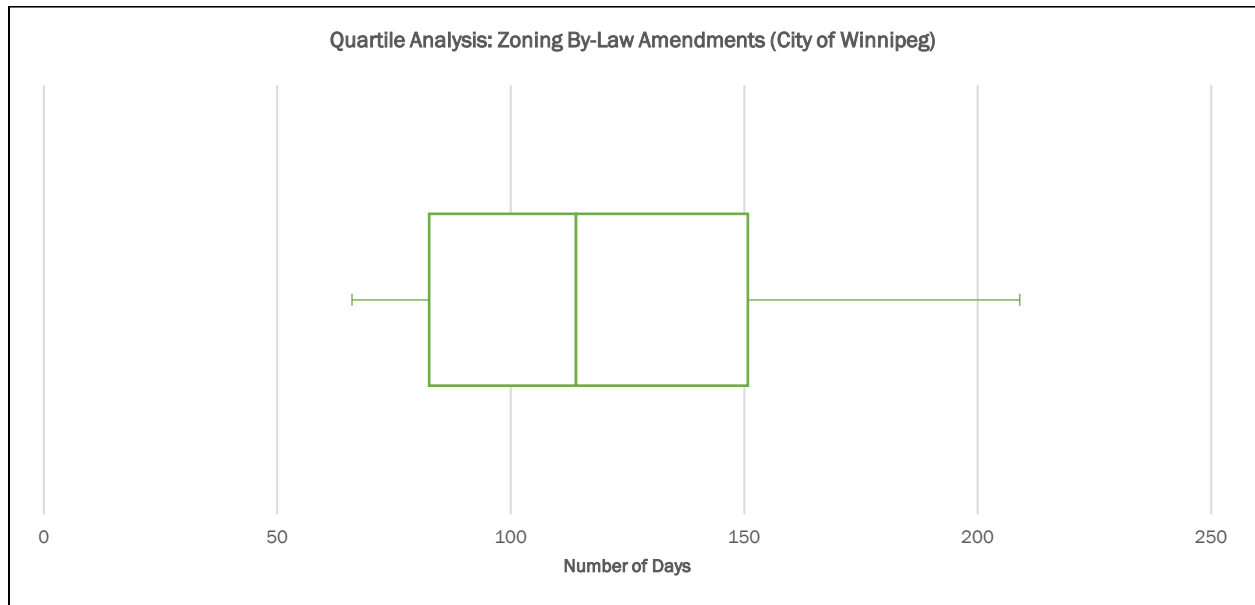


¹⁰ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

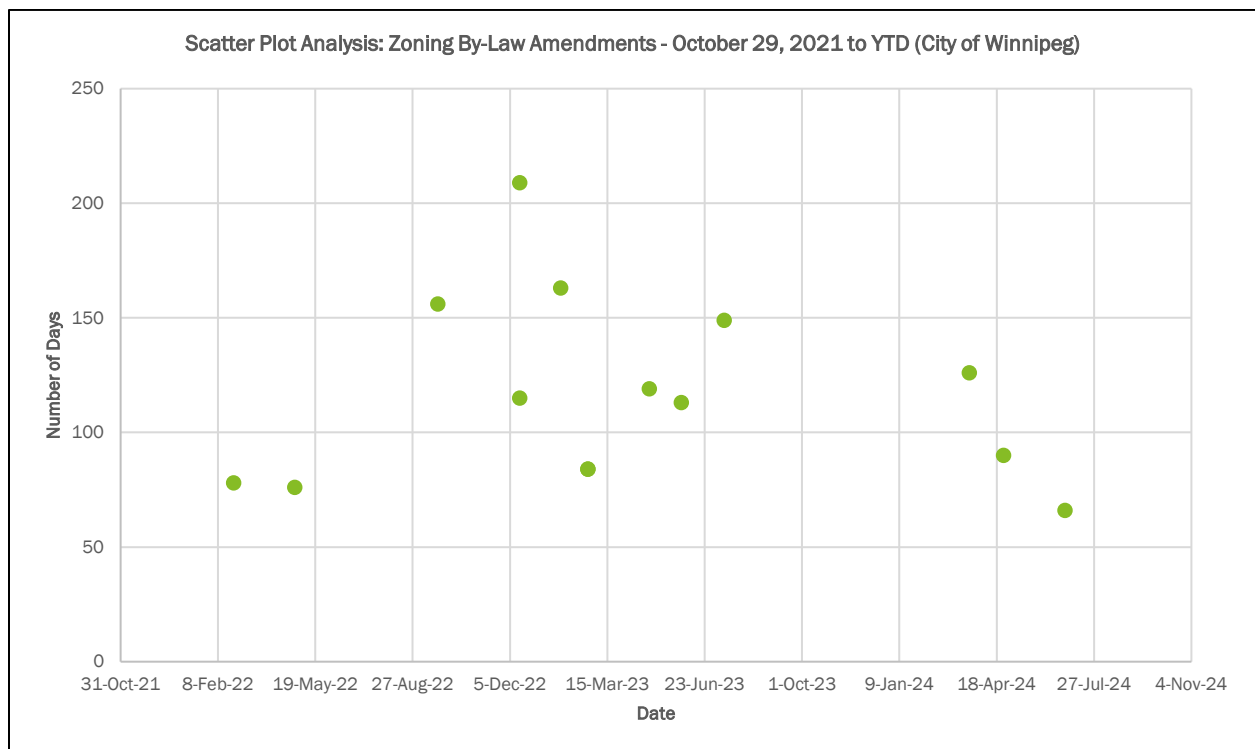
Statistical Analysis – Zoning By-Law Amendments

- The quartile assessment for zoning by-law amendments shows that one quarter of applicants must wait longer than the legislated service standard.
- The scatter plot assessment for zoning by-law amendments shows a gradual and steady improvement in the City of Winnipeg's ability to process zoning by-law amendments.

Quartile Assessment – Zoning By-Law Amendments



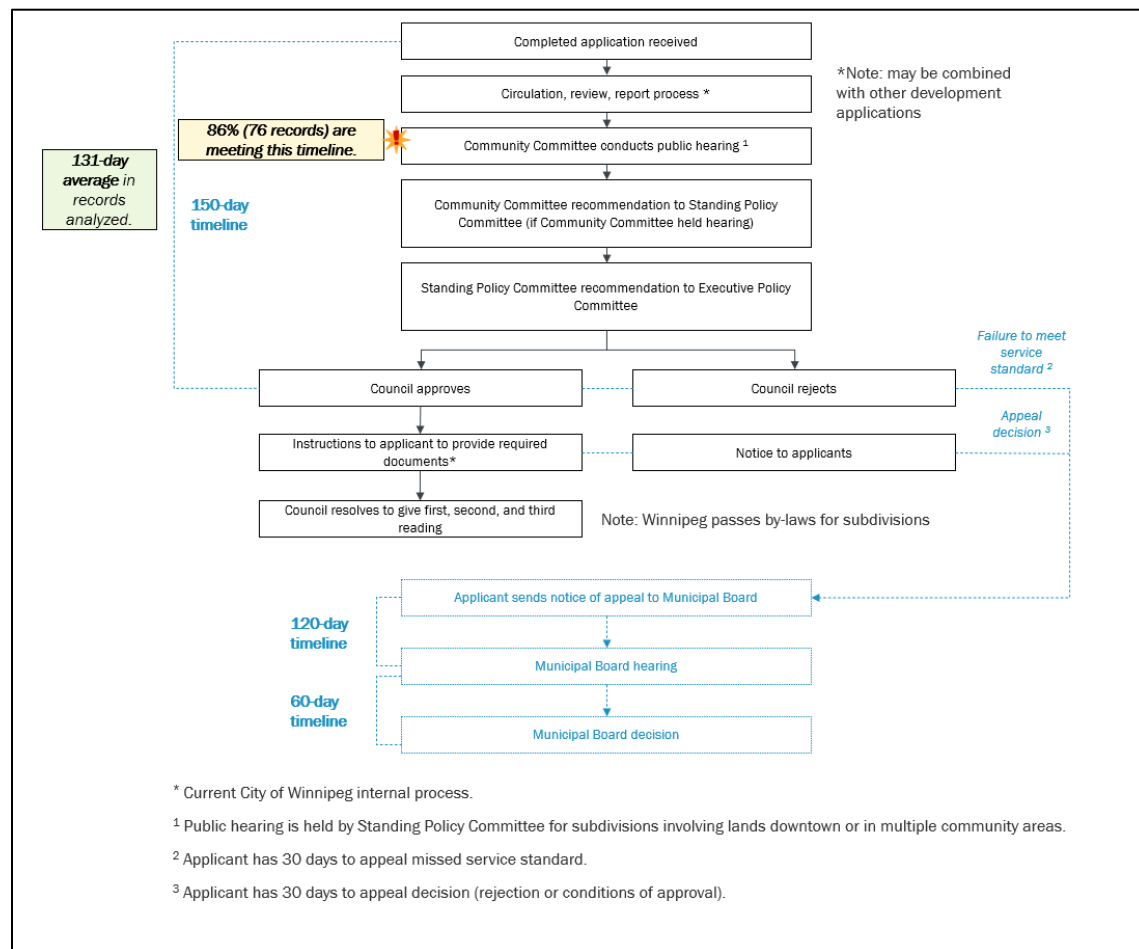
Scatter Plot Assessment – Zoning By-Law Amendments



The City of Winnipeg – Standard Subdivision Decisions by Council

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	150 days from date completed application is received by city to decision
Analyzable Records Provided After October 29, 2021, for Service Standard	92
Service Standard Performance After October 29, 2021	86%

The City of Winnipeg – Standard Subdivision Decisions by Council Process Chart¹¹

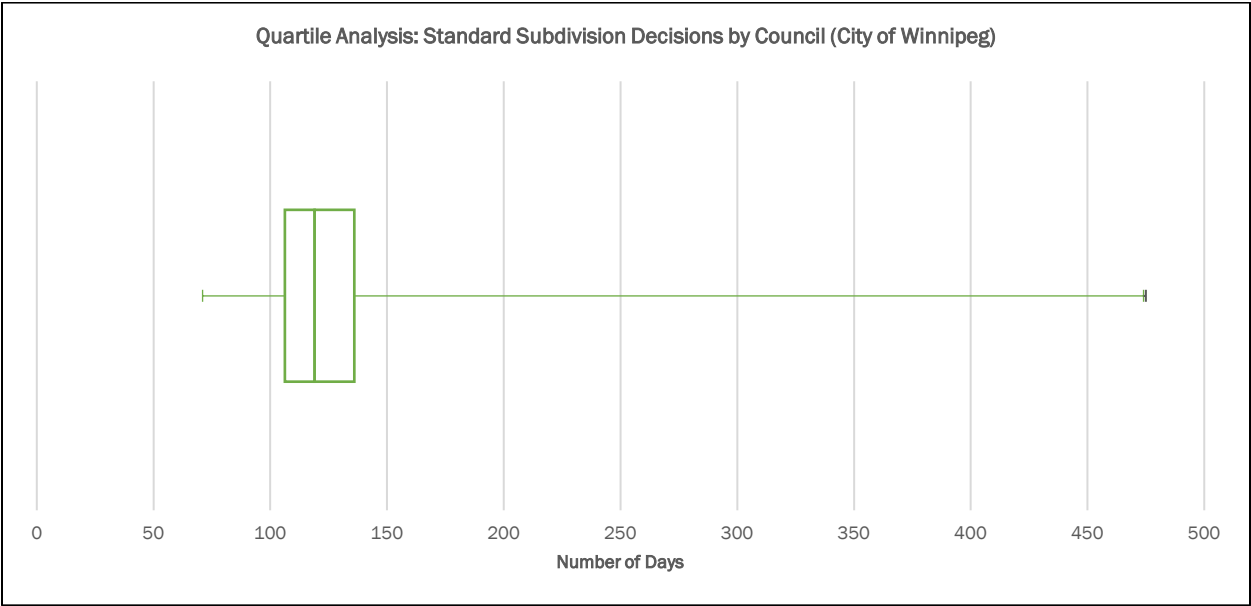


¹¹ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

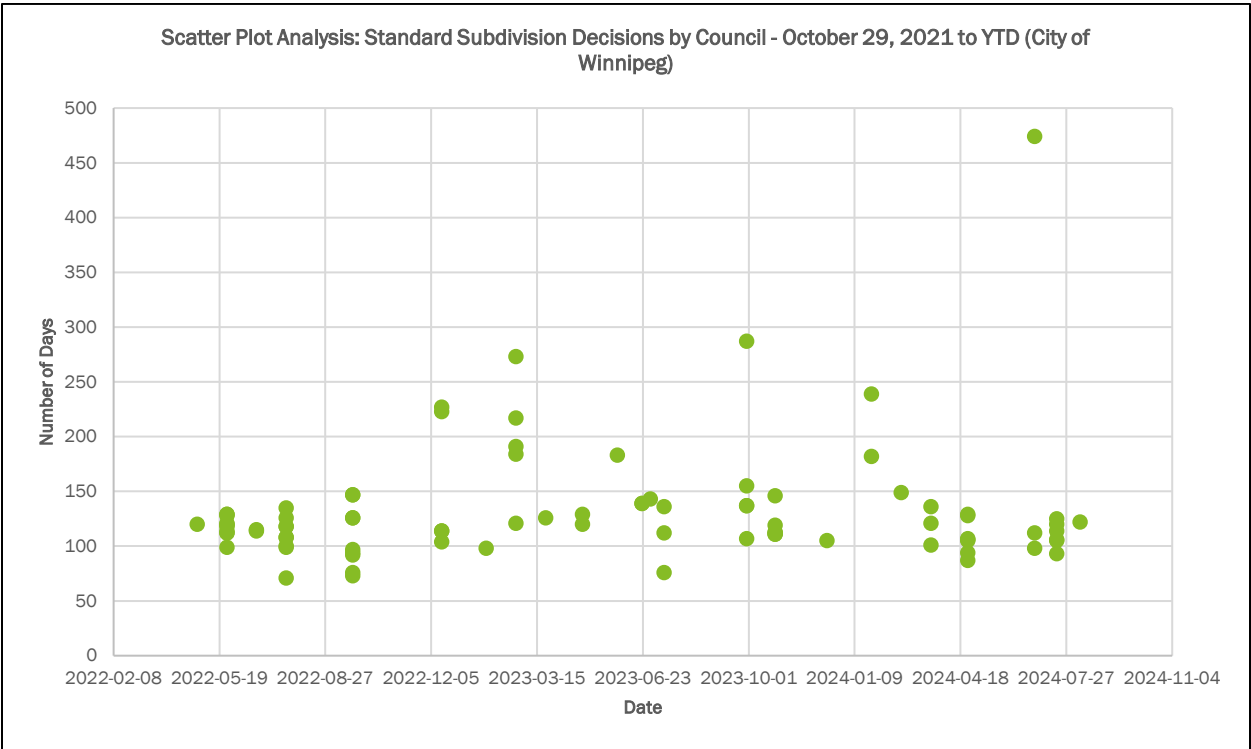
Statistical Analysis – Standard Subdivision Decisions by Council

- The quartile assessment for standard subdivision decisions by council shows that about one quarter of applicants must wait longer than the legislated service standard.
- The scatter plot assessment for zoning by-law amendments shows the City of Winnipeg has been consistent with this application type but that there are outliers in the data set.

Quartile Assessment – Standard Subdivision Decisions by Council



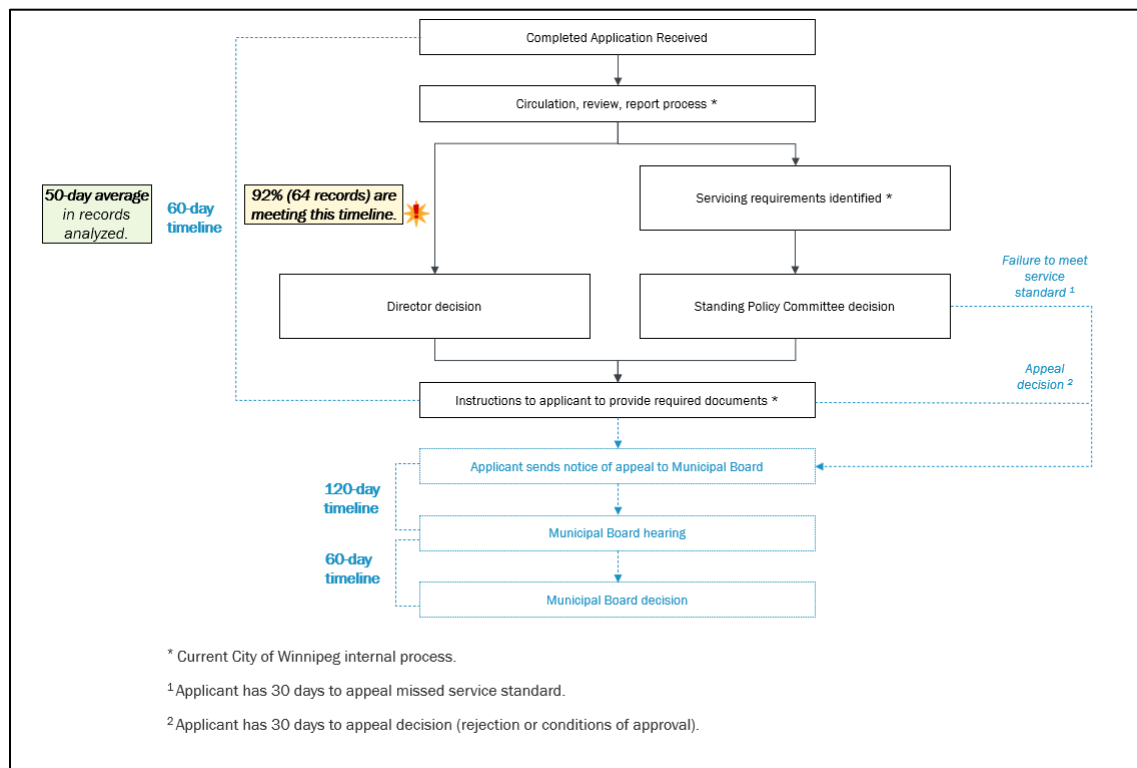
Scatter Plot Assessment – Standard Subdivision Decisions by Council



The City of Winnipeg – Standard Subdivision Decisions by Designated Employee

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	60 days from date completed application is received by city to decision
Analyzable Records Provided After October 29, 2021, for Service Standard	70
Service Standard Performance After October 29, 2021	92%

The City of Winnipeg – Standard Subdivision Decisions by Designated Employee Process Chart¹²

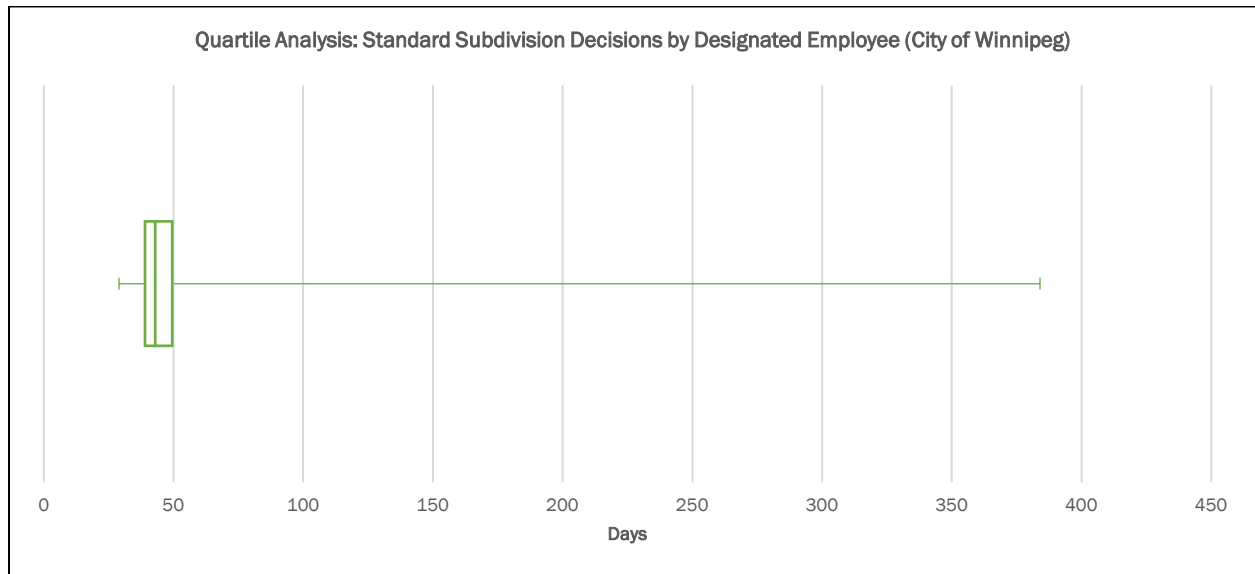


¹² Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

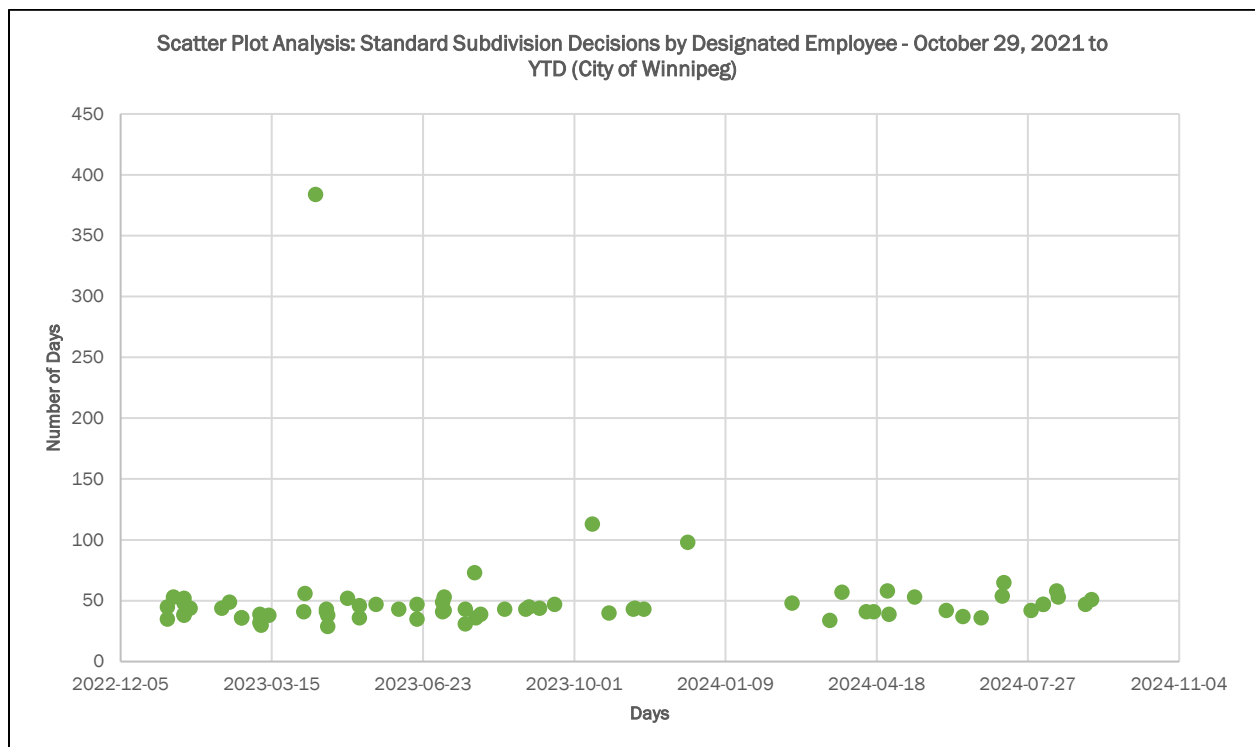
Statistical Analysis – Standard Subdivision Decisions by Designated Employee

- The quartile assessment for standard subdivision decisions by designated employee shows that almost all applications (92%) are processed within the legislated service standard timelines.
- The scatter plot assessment for zoning by-law amendments shows the City of Winnipeg is consistent in meeting its service standards for standard subdivision decisions by designated employee.

Quartile Assessment – Standard Subdivision Decisions by Designated Employee



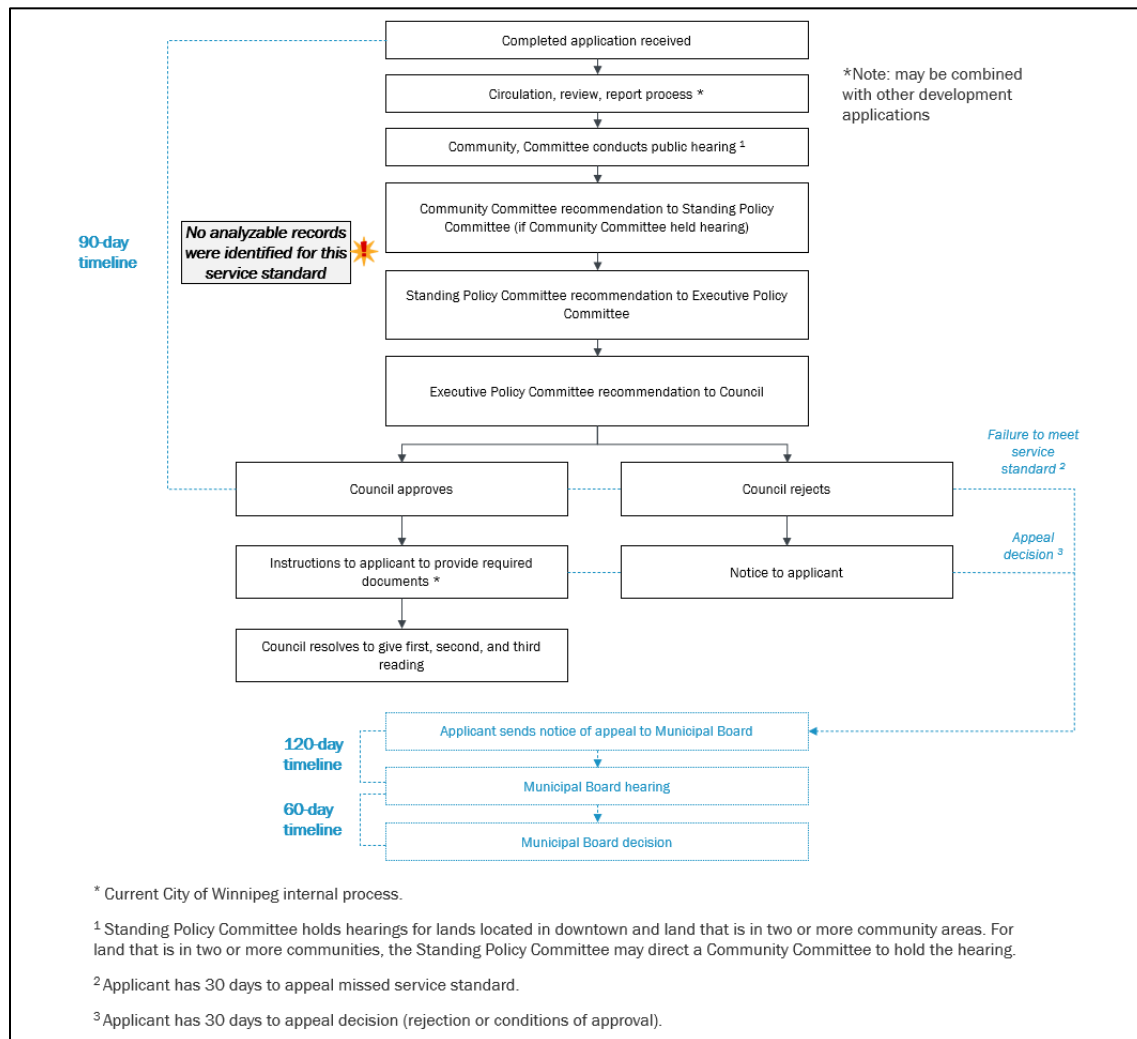
Scatter Plot Assessment – Standard Subdivision Decisions by Designated Employee



The City of Winnipeg – Development Agreement Executed Under Subsection 240.4

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	60 days from date completed application is received by city to decision
Analyzable Records Provided After October 29, 2021, for Service Standard	Data Unavailable
Service Standard Performance After October 29, 2021	Data Unavailable

The City of Winnipeg – Development Agreement Executed Under Subsection 240.4 Process Chart¹³

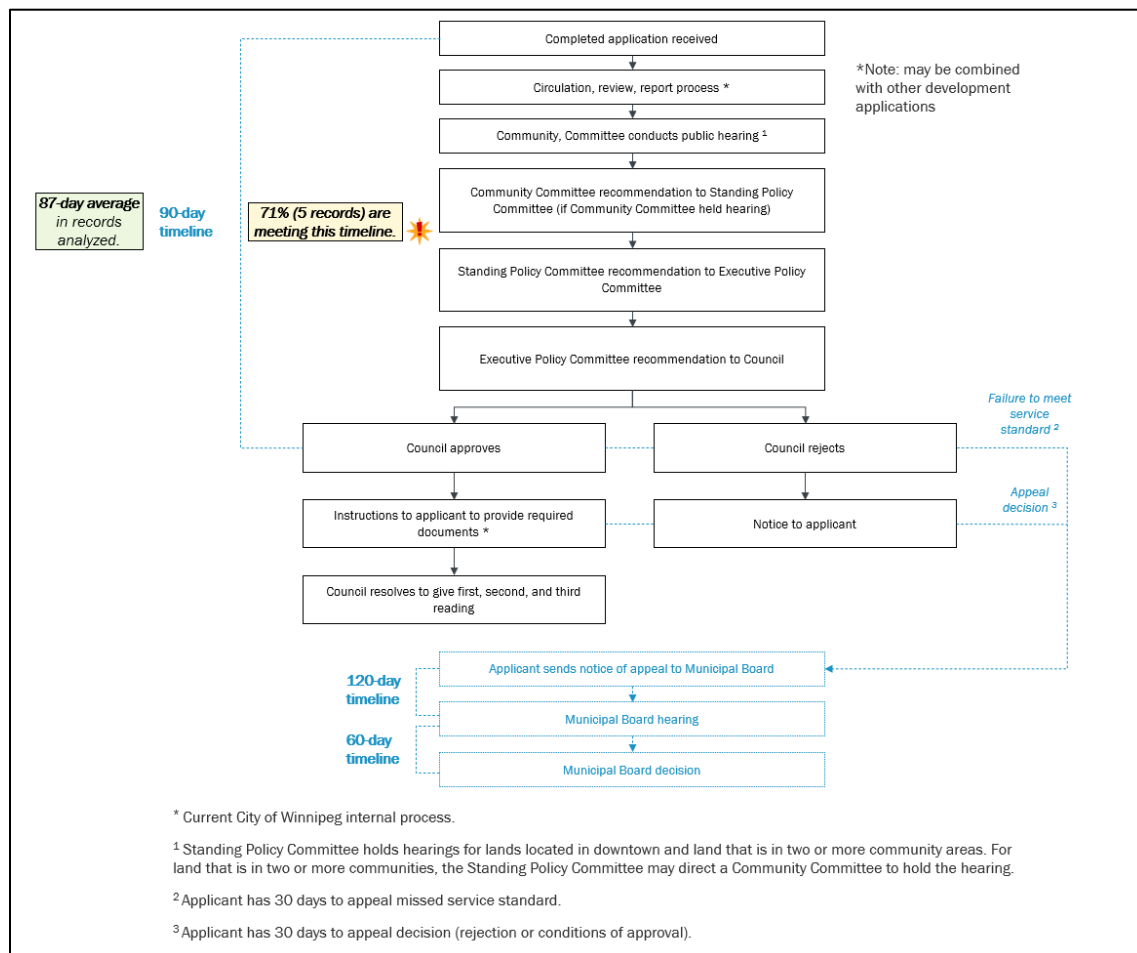


¹³ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

The City of Winnipeg – Development Agreement Amendment

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	90 days from date completed application is received by city
Analyzable Records Provided After October 29, 2021, for Service Standard	7
Service Standard Performance After October 29, 2021	71%

The City of Winnipeg – Development Agreement Amendment Process Chart¹⁴

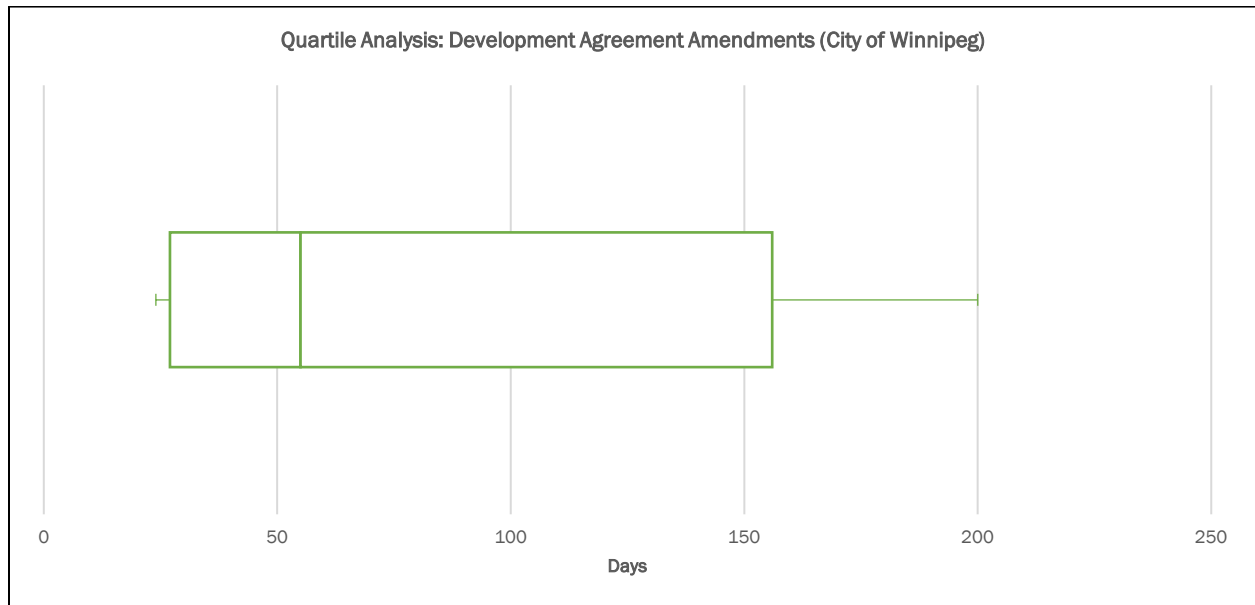


¹⁴ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

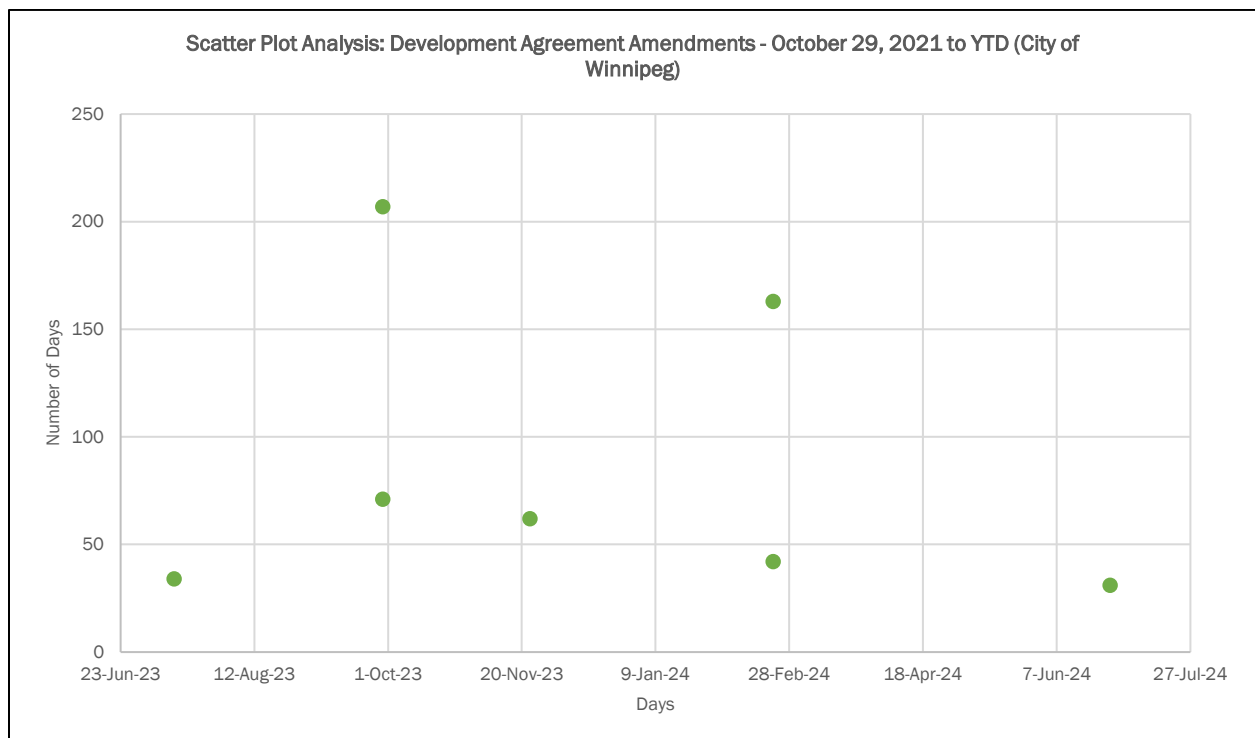
Statistical Analysis – Development Agreement Amendments

- The quartile assessment for development agreement amendments shows that one quarter of applicants are waiting longer than the legislated service standards.
- The scatter plot assessment for development agreement amendments shows noteworthy variation in the City of Winnipeg’s ability to process development agreement amendments.

Quartile Assessment – Development Agreement Amendments



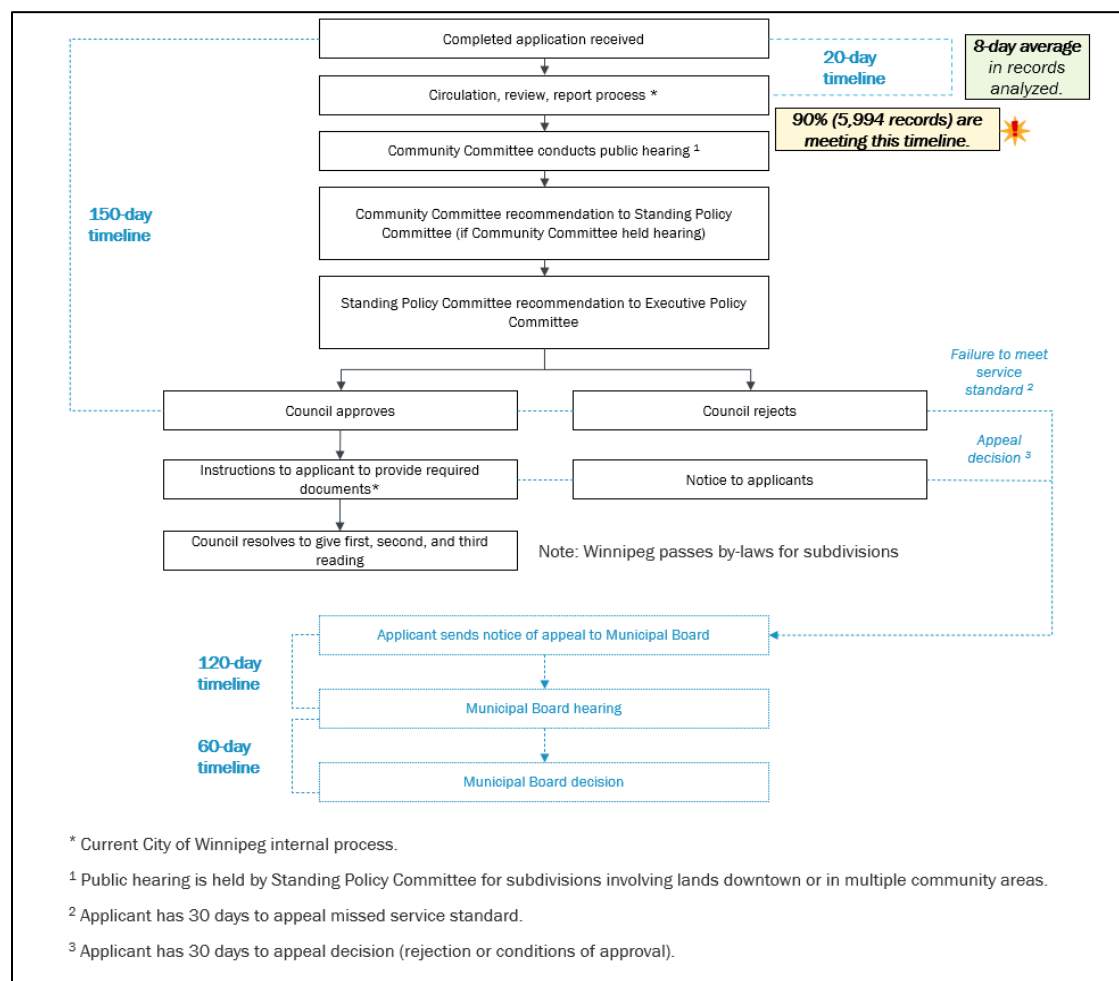
Scatter Plot Assessment – Development Agreement Amendments



The City of Winnipeg – Development Permits

Analytical Scope	Detail
Applicable Legislation	City of Winnipeg Charter
Applicable Geography	City of Winnipeg
Service Standard	20 days to determine whether application is complete from date application submitted
Analyzable Records Provided After October 29, 2021, for Service Standard	6604
Service Standard Performance After October 29, 2021	90%
Service Standard	60 days to determine if the proposed development conforms with the applicable provisions of the development plan by-law
Analyzable Records Provided After October 29, 2021, for Service Standard	Data Unavailable
Service Standard Performance After October 29, 2021	Data Unavailable

The City of Winnipeg – Development Permits Process Chart¹⁵

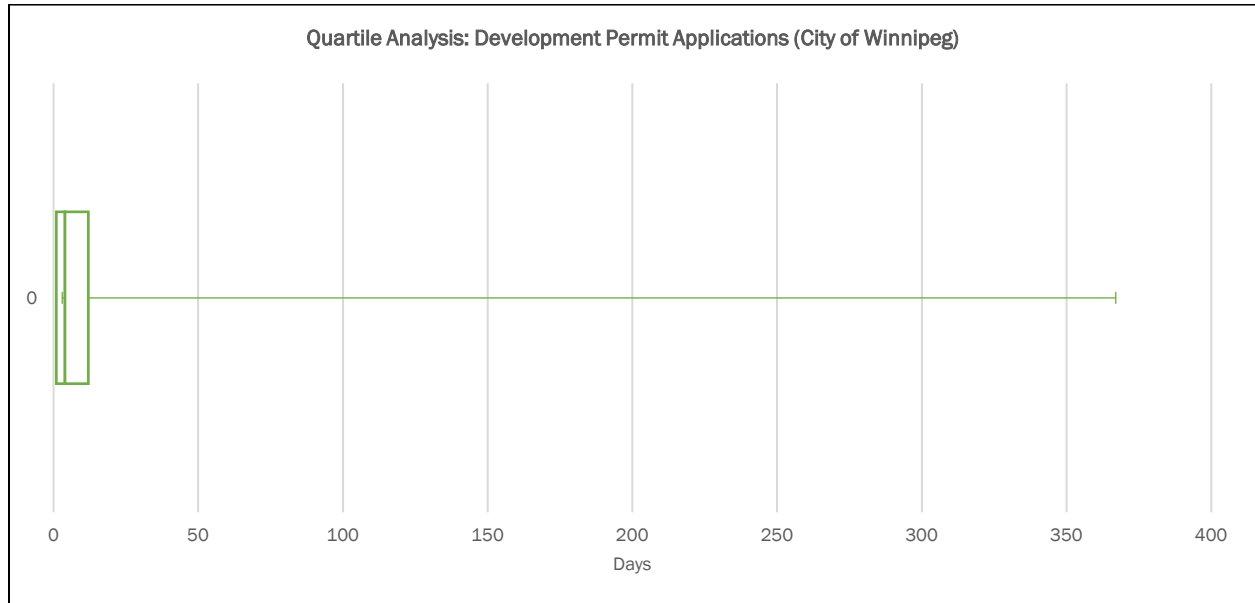


¹⁵ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021). Note, the flowchart for standard subdivisions processed by the City of Winnipeg was used to illustrate the applicable service standard timeline for development permit applications.

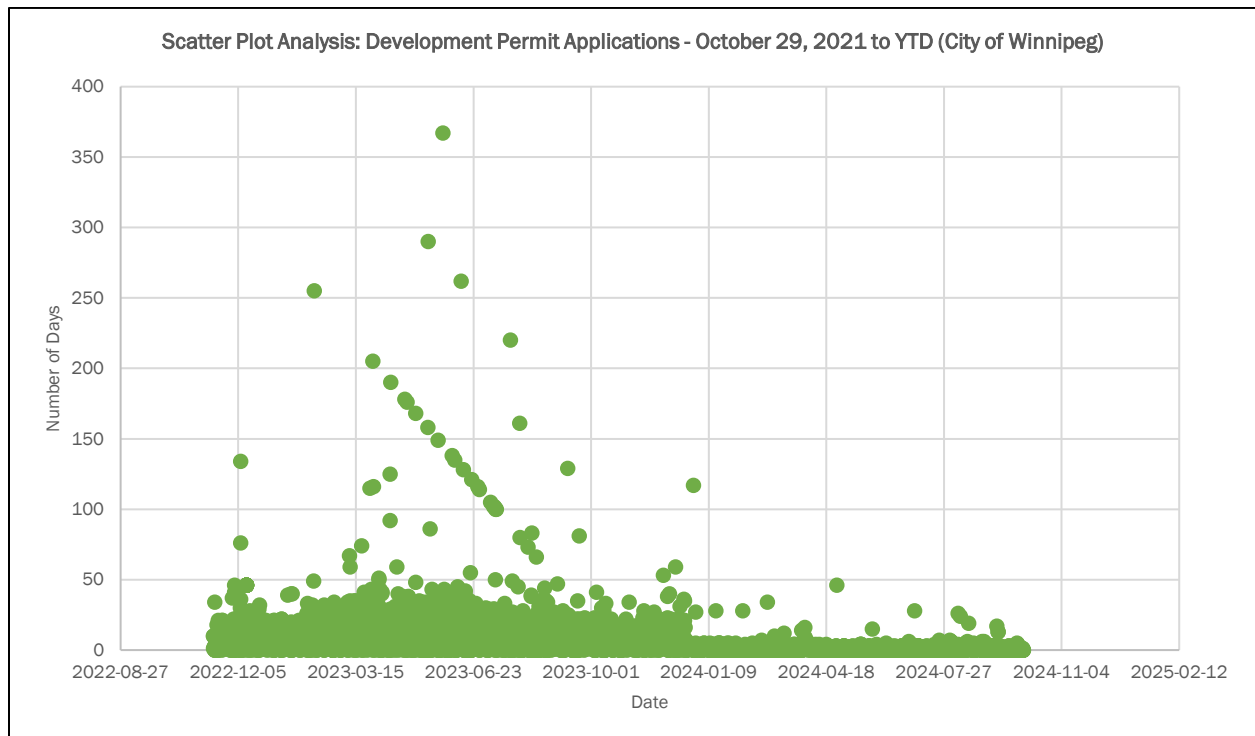
Statistical Analysis – Development Permit Applications

- The quartile assessment for development agreement amendments shows that almost all (90%) of applications are processed within the legislated service standards.
- The scatter plot assessment for development permit applications shows that the City of Winnipeg is improving in its ability to consistently process service standards applications.

Quartile Assessment – Development Permit Applications



Scatter Plot Assessment – Development Permit Applications



3.0 Manitoban Municipalities Records Analysis

3.1 Key Findings

Service Standards Performance Evaluation

- 67% of secondary plan amendments are not meeting the appropriate service standard for the maximum number of days between when the application is made and the hearing date.
- 35% of zoning by-law amendments are not meeting the appropriate service standard for the maximum number of days between when the application is made to the hearing date.
- 16% zoning by-law amendments are not meeting the appropriate service standard for the maximum number of days between the hearing date to council decision.
- 14% of development permit applications are not meeting the appropriate service standard target for the maximum number of days provided for a municipality to deem whether a development permit application is complete.
- 8% of minor subdivision applications are not meeting the appropriate service standard target for the maximum number of days between when the application is received by council to decision.
- 8% of standard subdivision applications are not meeting the appropriate service standard target for the maximum number of days between the date of council resolution to approving authority decision.
- 5% of standard subdivision applications are not meeting the appropriate service standard target between when the application is received by council to resolution.

Project Review Team Observations

- Municipality performance is variable for secondary plan amendments and zoning by-law amendments.
- This is largely because very few records were analyzed for these application types and so additional data would be required to make a fully accurate assessment on secondary plan amendments and zoning by-law amendments.
- Municipalities are generally consistent in meeting all appropriate service standards for standard subdivision and minor subdivision applications.
- Almost all applicants are serviced within the appropriate service standard targets for standard subdivisions (92% - 95%) and minor subdivisions (92%).
- Municipal performance in meeting the appropriate service standards for development permit applications is improving.
- There is an increasingly large number of instances where development permits are deemed complete in as little as one business day (and or same day) versus previous years.

3.2 Methodology Used

This section includes detailed analysis on planning and development records (e.g., minor subdivisions) for all municipalities in Manitoba except for the City of Winnipeg to assess overall service standards performance and to identify timeline trends in municipality capabilities in processing common types of planning and development applications.

Planning and Development Records Provided

A total of 8,106 planning and development records were provided by municipalities to perform this analysis. An additional 5,124 records were provided by Manitoba containing detailed timelines and

critical dates for standard subdivisions (3,891) and minor subdivisions (1,233) to ensure sufficient data was made available for the Project Review Team. Subdivision and minor subdivision records provided by municipalities and Manitoba were cross examined and carefully analyzed to resolve any timeline discrepancies.

Planning and Development Records Analyzed

The following planning and development records processed by municipalities were evaluated:

- Development Agreement Amendments
- Standard Subdivisions
- Minor Subdivisions
- Development Permits
- Zoning By-Law Amendments
- Secondary Plan Amendments
- Development Agreement

Analytical Approach

Municipality records were compiled by application type, time, and usability. The service standards evaluation performed only incorporated records with complete timeline information (e.g., the date the application was filed and the date the public hearing was held) to ensure an accurate assessment was conducted. All usable records were then analyzed to determine the number of instances by application type meeting the appropriate service standard, the average number of days required between timelines, the median number of days between timelines, the maximum number of days between timelines, and the minimum number of days between timelines.

Quartile (e.g., box plot), scatter plot, and flow chart analyses were also performed on all application types to visualize legislated planning and development timelines by application type. This statistical analysis was used to inform any wait time recommendations and observations on the data sets analyzed for all Manitoban municipalities.

Analytical Outputs

The analysis performed on municipality records delivered the following analytical outputs:

- Service Standards Evaluation Summary Table
- Service Standards Evaluation by Application Type

The Service Standards Evaluation Summary Table showcases municipality service standards performance at the aggregate whereas additional analysis (e.g., scatter plots) are made available through the Service Standards Evaluation by Application Type.

3.3 Records Analyzed

Municipal planning and development records were provided by municipalities and Manitoba (e.g., for standard subdivisions and minor subdivisions) to ensure sufficient records were made available for an accurate service standards evaluation.

The following table highlights the application types and quantity of applications provided by municipalities:

Data Provided by Municipalities

Type of Application	Quantity
Secondary Plan Amendment	16
Zoning By-Law Amendment (Rezoning)	496
Standard Subdivision	1639
Minor Subdivision	315
Development Permit	3,181
Development Agreement Amendments	9
Conditional Use (the conditional use approval process analyzed by the review team applies only to large livestock operations and aggregate operations - this scope applies to all conditional use process analysis performed in this section).	1193
Conveyance	21
Variance	648
Other Applications	588
Total	8,106

The following table includes the total number of standard subdivision and minor subdivision records provided by the province to supplement data shared by municipalities:

Data Provided by the Province

Type of Application	Quantity
Standard Subdivision	3,891
Minor Subdivision	1,233
Total	5,124

3.4 Service Standards Evaluation Summary Table

Manitoban Municipalities Records Analysis

The following service standards analysis applies to planning and development records belonging to Manitoba municipalities and is organized by highest performing service standard to lowest performing service standard.

Application Type	Service Standard (1)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance	Service Standard (2)	Number of Analyzable Records for Service Standard	Mean (Days)	Median (Days)	Minimum (Days)	Maximum (Days)	Service Standard Performance
Development Agreement Amendment	90 days from date completed application is received by city	1	17	17	17	17	100%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Standard Subdivision	90 days from date application is received by council to resolution	885	31	21	1	462	95%	60 days from date of council resolution to approving authority decision	897	24	14	24	549	92%
Minor Subdivision	60 days from date application is received by council to decision	356	27	20	1	401	92%	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation
Development Permit	20 days to determine whether application is complete from date application submitted	546	10	1	1	300	86%	60 days to determine if proposed development conforms with the applicable provisions of the development plan by-law, zoning by-law, and any secondary plan by-law from the date the application is submitted	-	-	-	-	-	Incomplete Records for Proper Evaluation
Zoning By-Law Amendment	90 days from date application is made to hearing	85	84	68	1	308	65%	60 days from hearing to council decision or referral to Municipal Board	89	37	37	1	343	84%

Secondary Plan Amendment	90 days from date application is made to hearing	3	192	118	85	192	33%	60 days from hearing to council decision or referral to Municipal Board	4	9	1	1	33	100%
Development Agreement	90 days from date development agreement is required under section 150 to conclusion	-	-	-	-	-	Incomplete Records for Proper Evaluation	-	-	-	-	-	-	No Legislative Timelines Established for Proper Evaluation

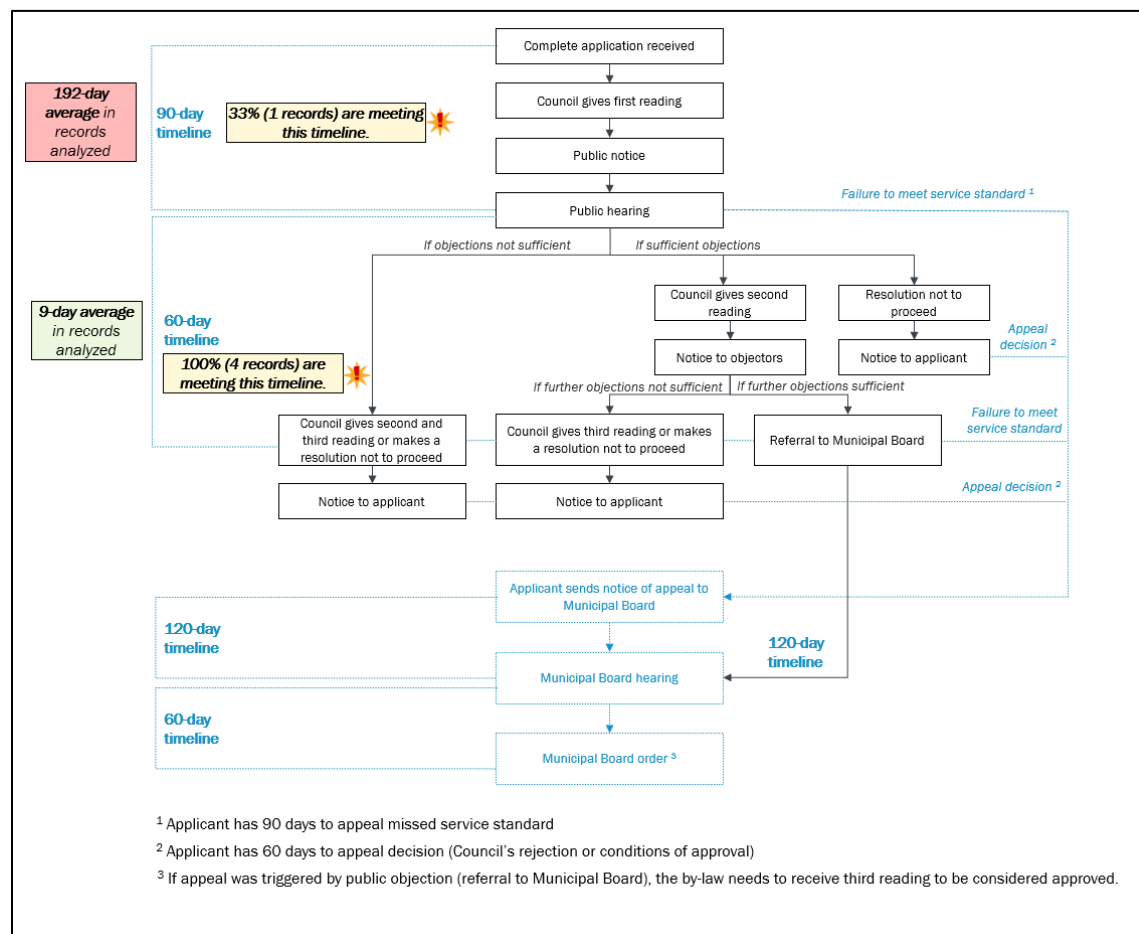
Service Standards Performance Color Code  0% - 24%  25% - 49%  50% - 74%  75% - 99%  100%

3.5 Service Standards Evaluation by Application Type

Manitoban Municipalities – Secondary Plan Amendments

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is made to hearing
Analyzable Records Provided After October 29, 2021, for Service Standard 1	3
Service Standard 1 Performance After October 29, 2021	33%
Service Standard	60 days from hearing to council decision or referral to Municipal Board
Analyzable Records Provided After October 29, 2021, for Service Standard 2	4
Service Standard 2 Performance After October 29, 2021	100%

Manitoba Municipalities – Secondary Plan Amendments Process Chart¹⁶

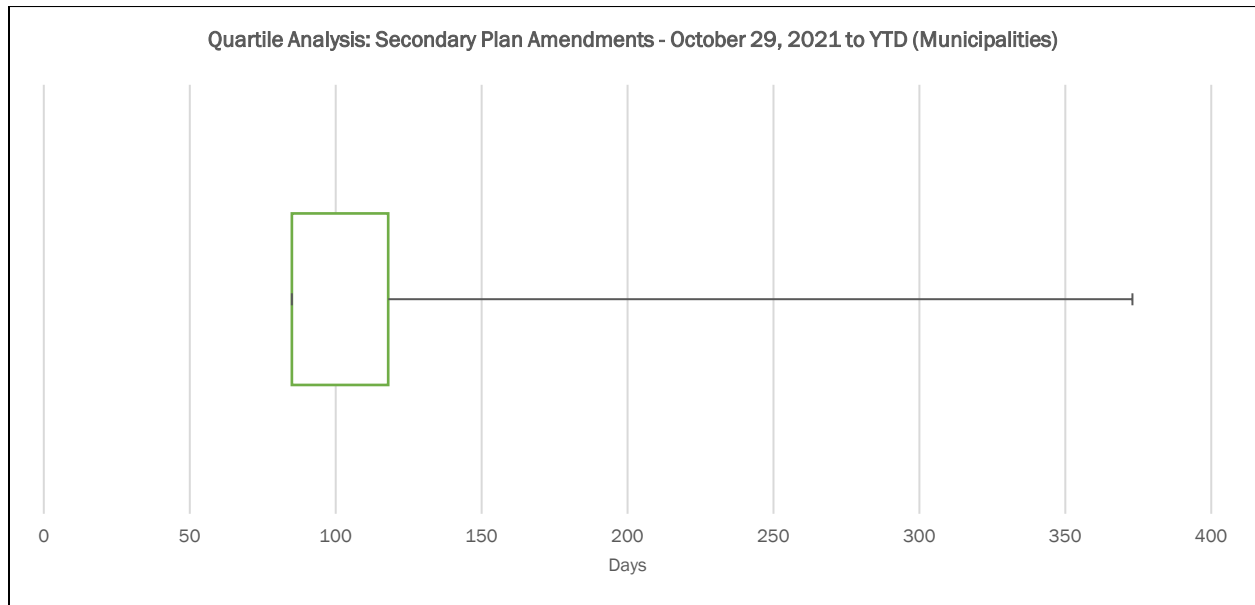


¹⁶ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

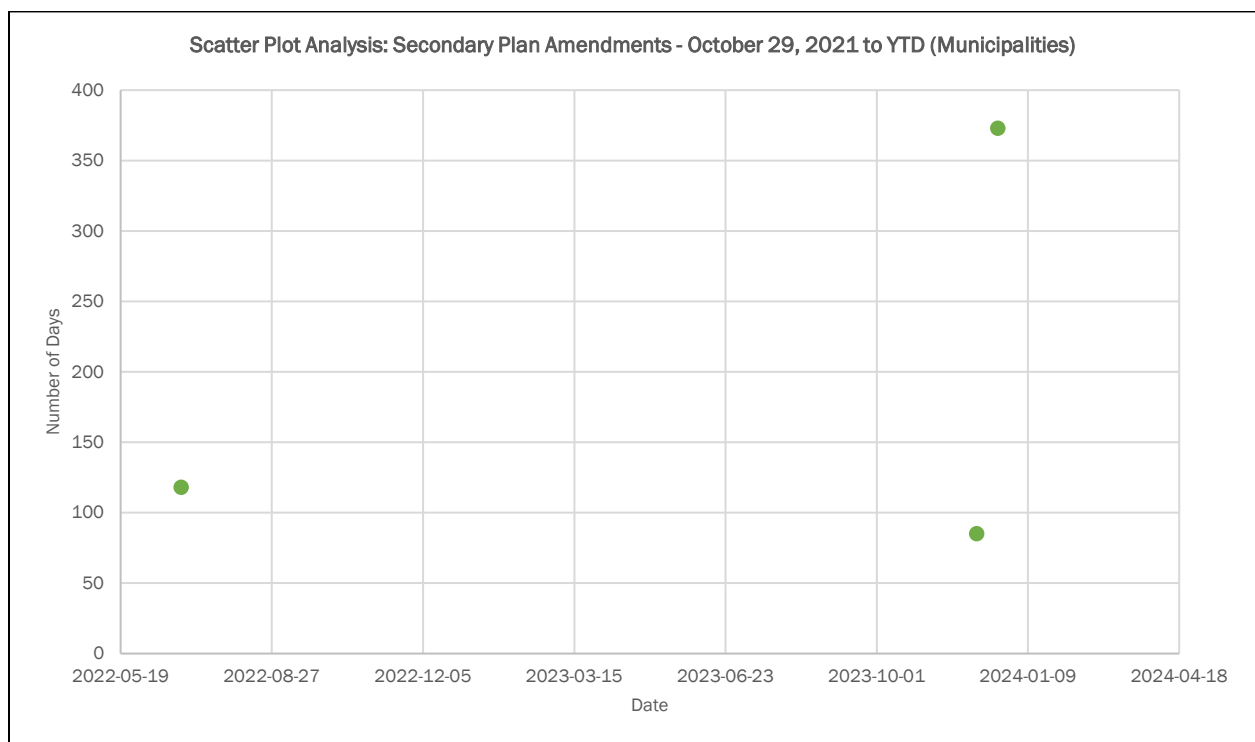
Statistical Analysis – Secondary Plan Amendments (90 days from date application is made to hearing)

- The analysis performed for secondary plan amendments is not statistically significant as there are too few instances to analyze.

Quartile Assessment – Secondary Plan Amendments



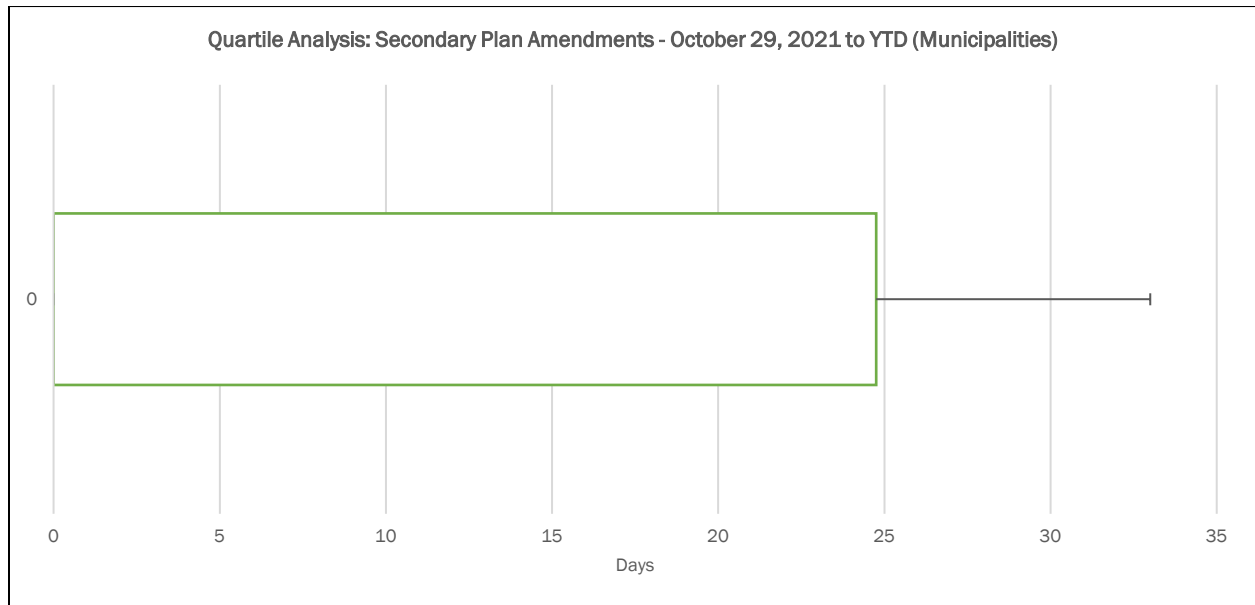
Scatter Plot Assessment – Secondary Plan Amendments



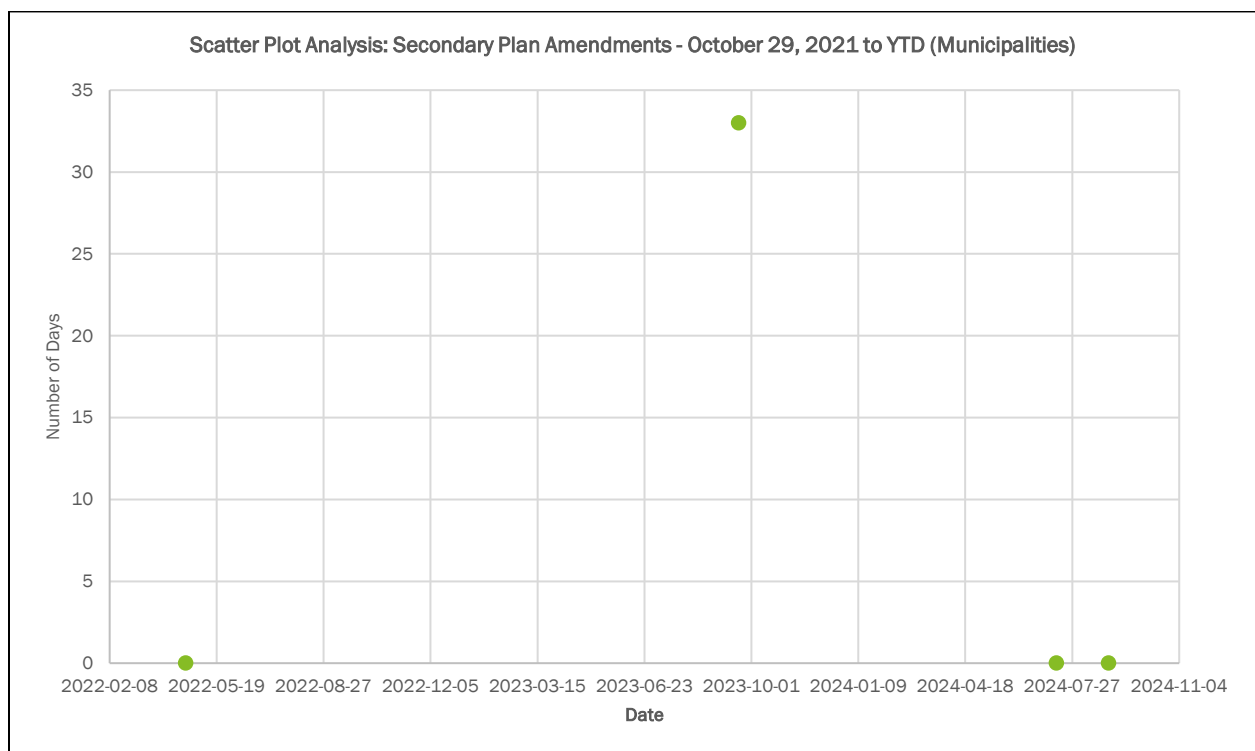
Statistical Analysis – Secondary Plan Amendments (60 days from hearing to council decision or referral to Municipal Board)

- The analysis performed for secondary plan amendments is not statistically significant as there are too few instances to analyze.

Quartile Assessment – Secondary Plan Amendments



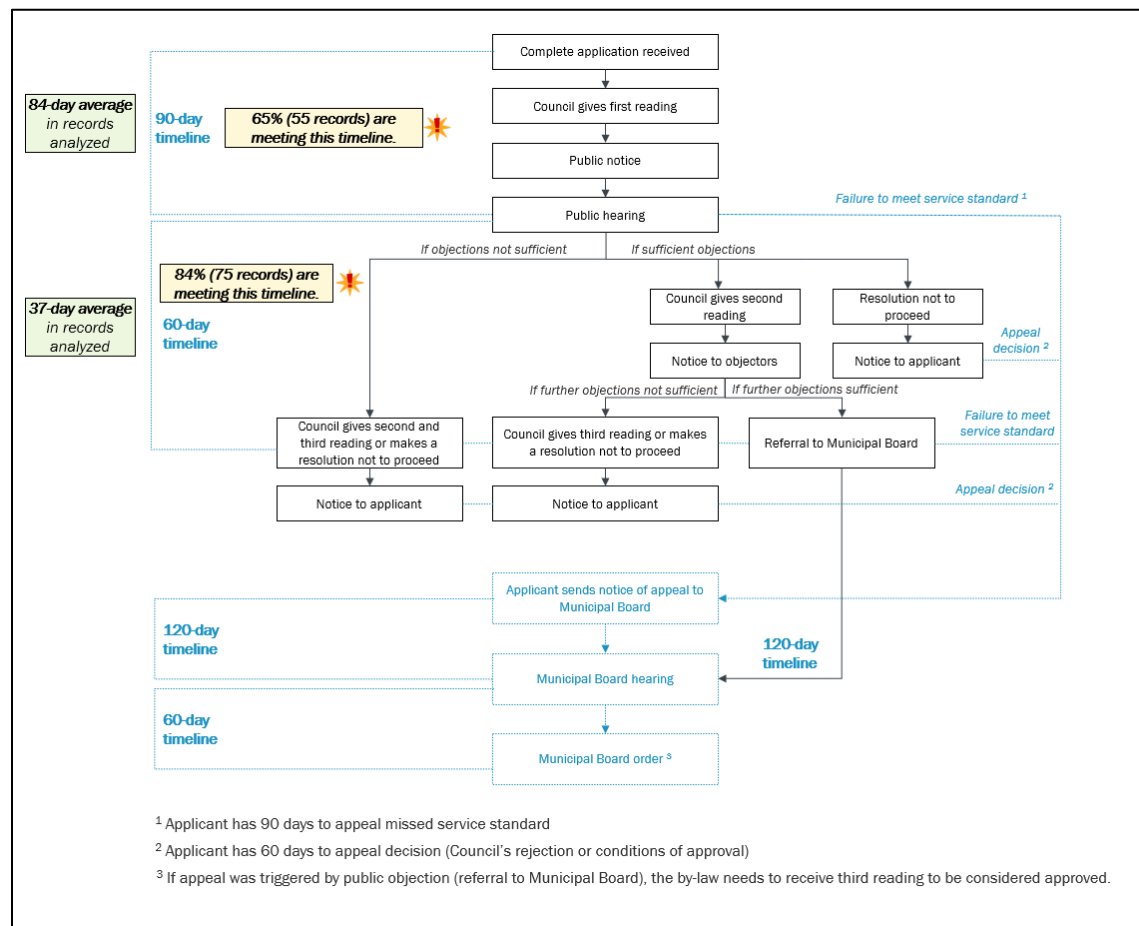
Scatter Plot Assessment – Secondary Plan Amendments



Manitoban Municipalities – Zoning By-Law Amendment (Rezoning)

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is made to hearing
Analyzable Records Provided After October 29, 2021, for Service Standard 1	85
Service Standard 1 Performance After October 29, 2021	65%
Service Standard	60 days from hearing to council decision or referral to Municipal Board
Analyzable Records Provided After October 29, 2021, for Service Standard 2	89
Service Standard 2 Performance After October 29, 2021	84%

Manitoba Municipalities – Zoning By-Law Amendment (Rezoning) Process Chart¹⁷

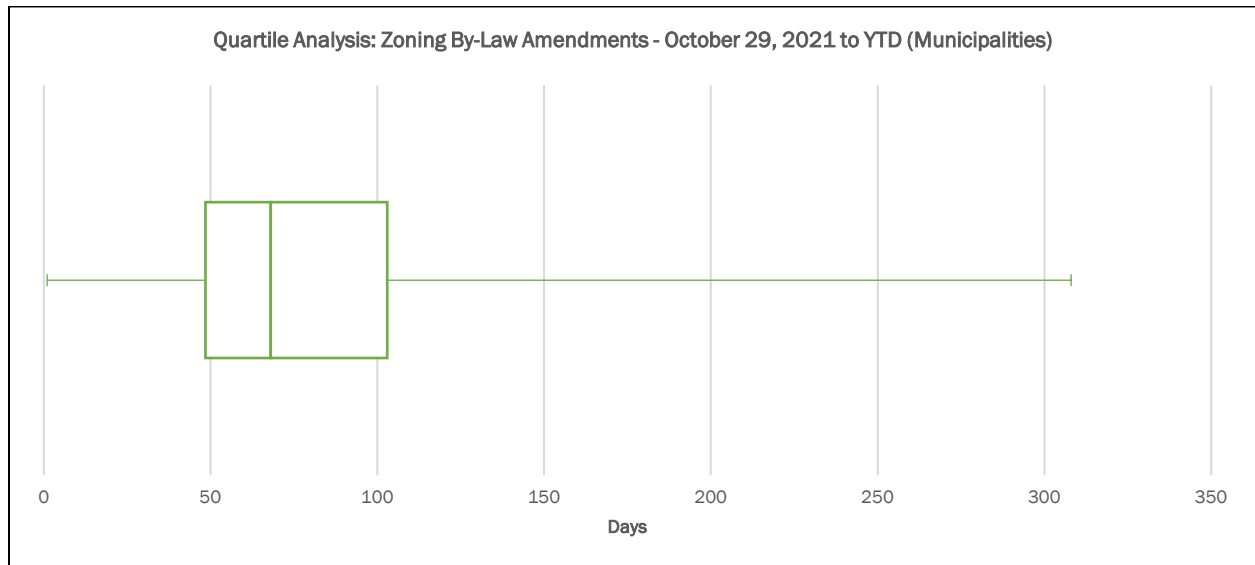


¹⁷ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

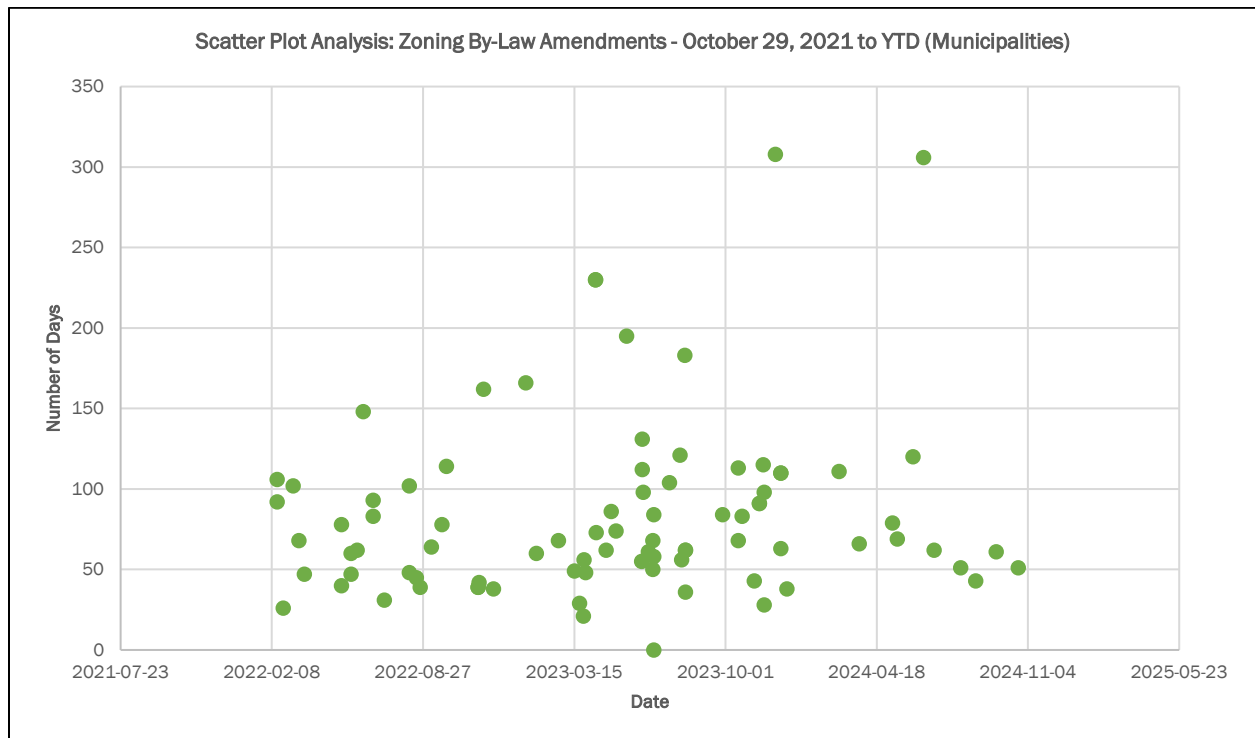
Statistical Analysis – Zoning By-Law Amendment (Rezoning) (90 days from date application is made to hearing)

- The quartile assessment for zoning by-law amendments for municipalities shows that one quarter of applicants must wait between 103 and 308 days for this timeline.
- The scatter plot assessment for zoning by-law amendments for municipalities shows significant variation in the time required to hold a hearing following the application's filing.

Quartile Assessment – Zoning By-Law Amendment (Rezoning)



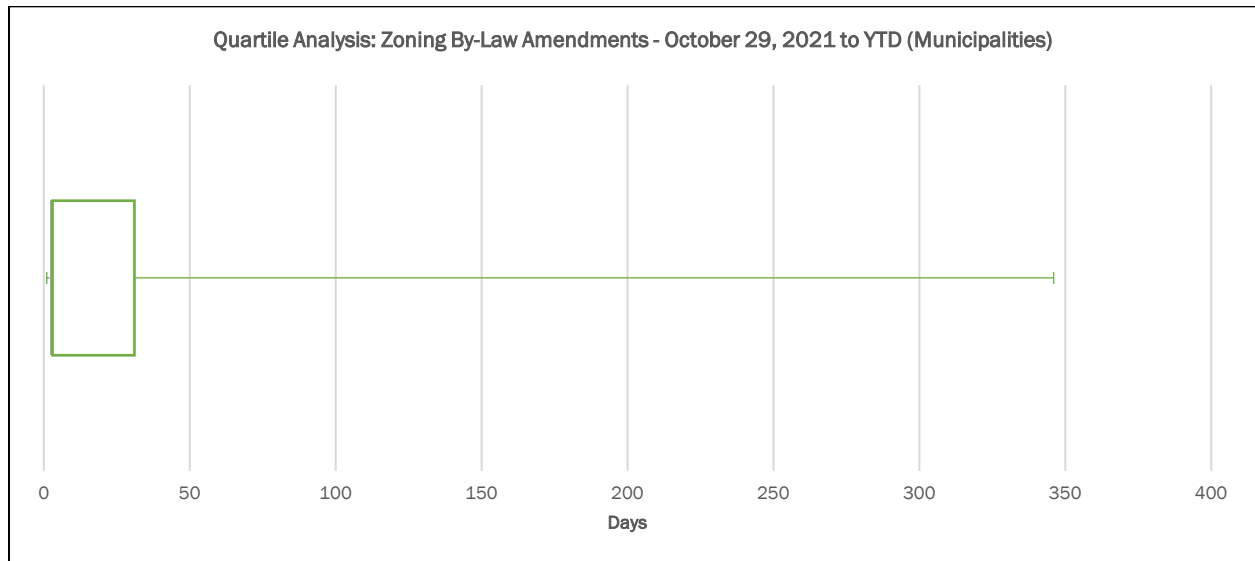
Scatter Plot Assessment – Zoning By-Law Amendment (Rezoning)



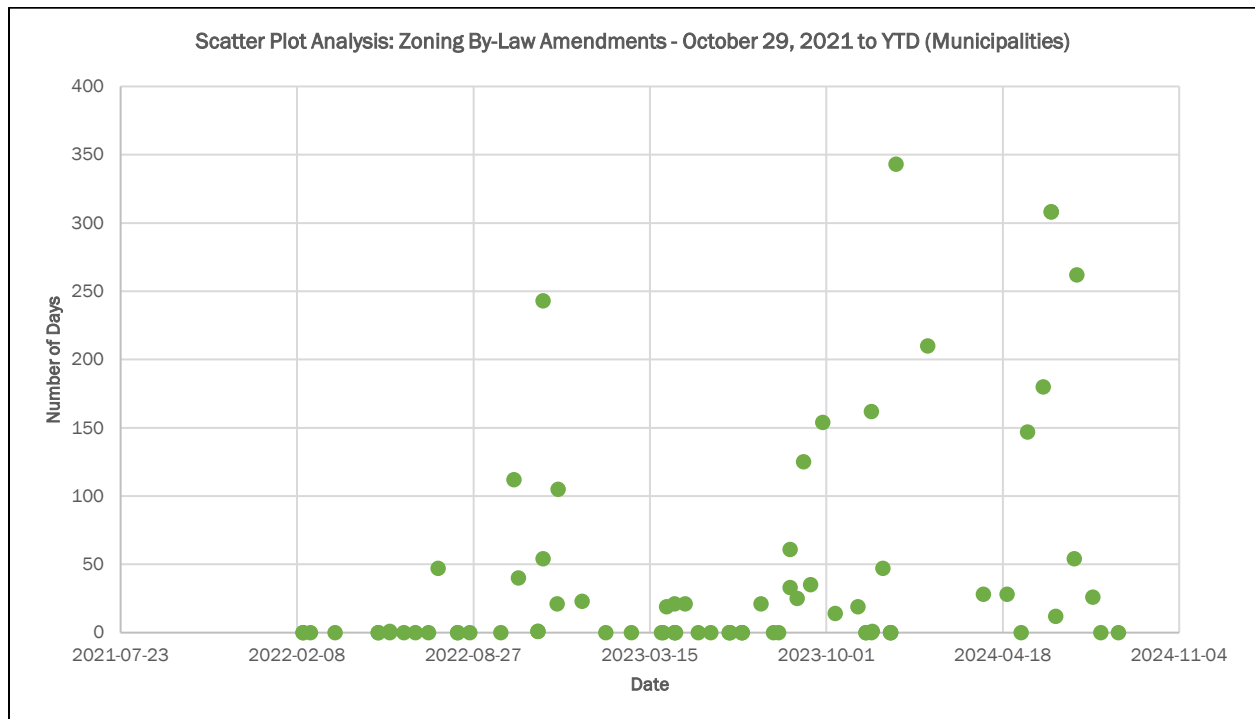
Statistical Analysis – Zoning By-Law Amendment (Rezoning) (60 days from hearing to council decision or referral to Municipal Board)

- The quartile assessment for zoning by-law amendments for municipalities shows that most applicants are serviced within the legislated service standards, however, that one quarter of applicants must wait between 28 and 343 for this timeline.
- The scatter plot assessment for zoning by-law amendments for municipalities shows that municipalities are usually able to complete this timeline within a day or two.

Quartile Assessment – Zoning By-Law Amendment (Rezoning)



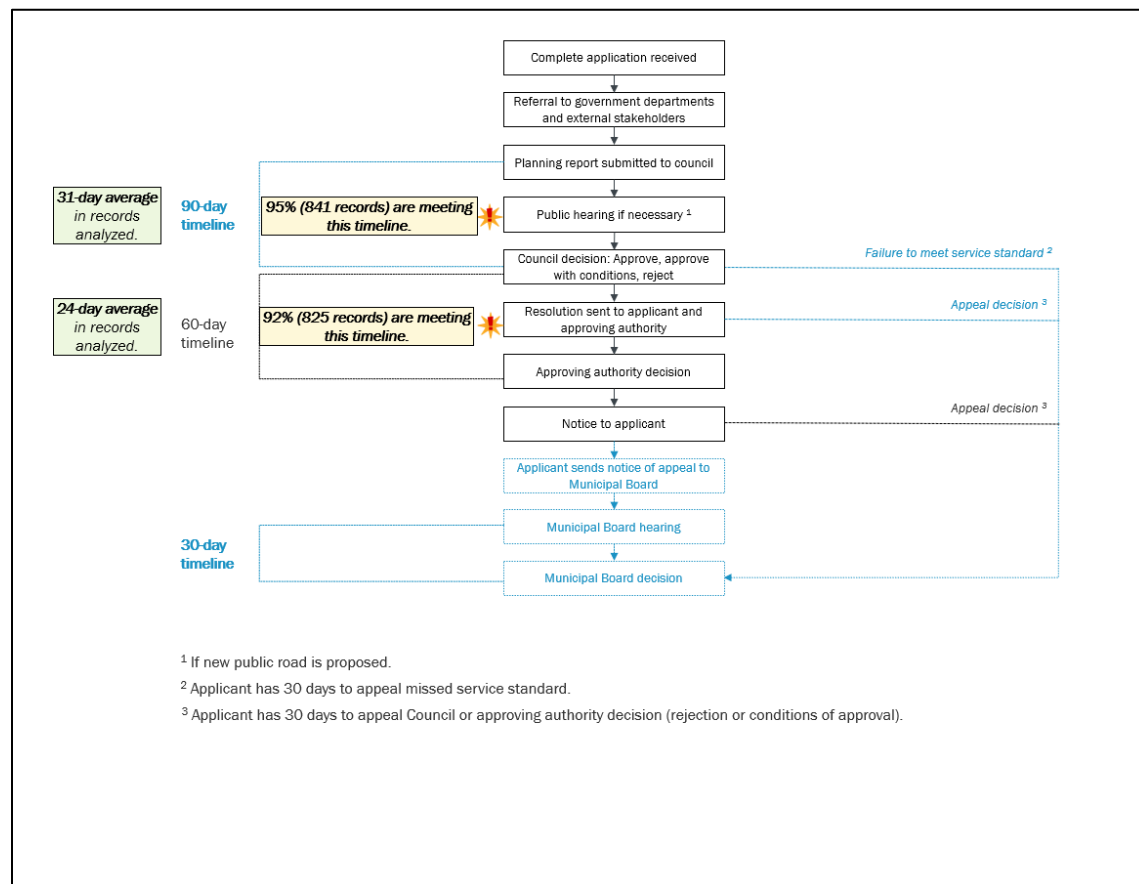
Scatter Plot Assessment – Zoning By-Law Amendment (Rezoning)



Manitoban Municipalities – Standard Subdivisions

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is received by council to resolution
Analyzable Records Provided After October 29, 2021, for Service Standard 1	885
Service Standard 1 Performance After October 29, 2021	95%
Service Standard	60 days from date of council resolution to approving authority decision
Analyzable Records Provided After October 29, 2021, for Service Standard 2	897
Service Standard 2 Performance After October 29, 2021	92%

Manitoba Municipalities – Standard Subdivisions Process Chart¹⁸

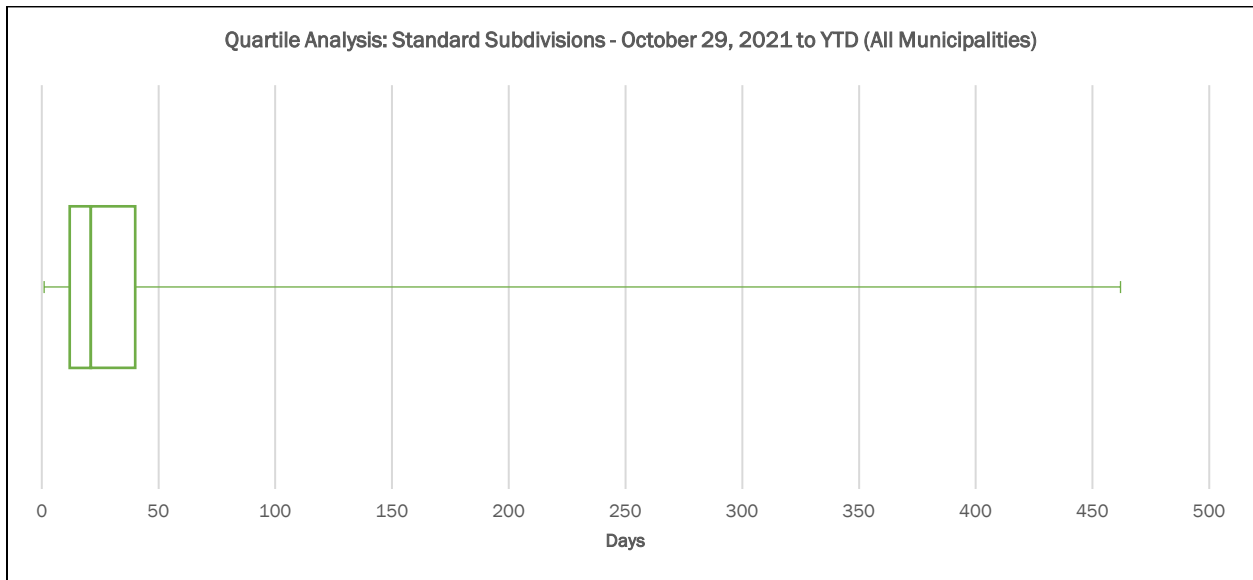


¹⁸ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

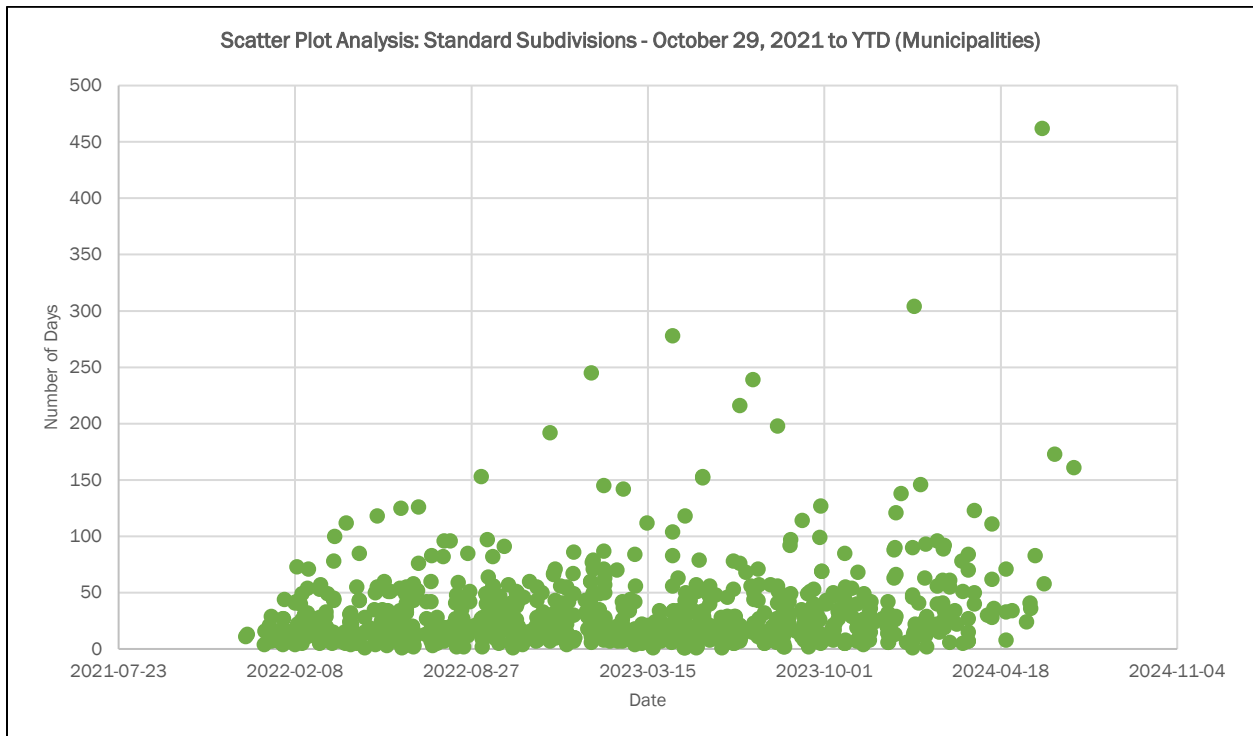
Statistical Analysis – Standard Subdivisions (90 days from date application is received by council to resolution)

- The quartile assessment for standard subdivision records shows that one quarter of applicants must wait between 40 and 462 days for this timeline.
- The scatter plot assessment for standard subdivisions shows that municipalities are generally consistent in meeting this timeline, however, that there are notable outliers (e.g., 462 days).

Quartile Assessment – Standard Subdivisions



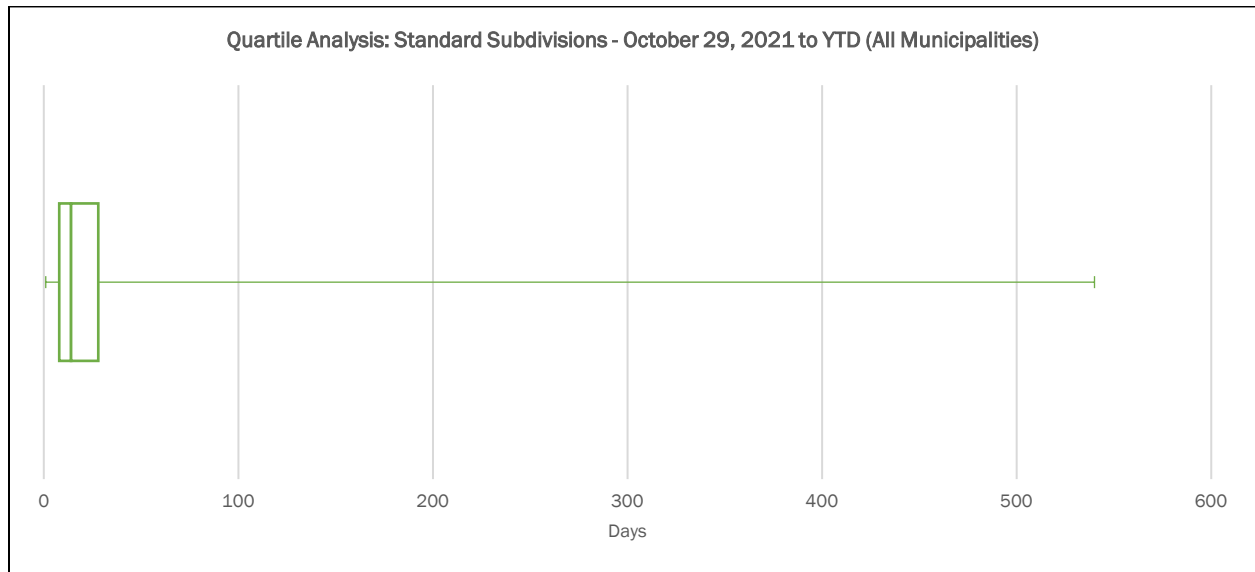
Scatter Plot Assessment – Standard Subdivisions



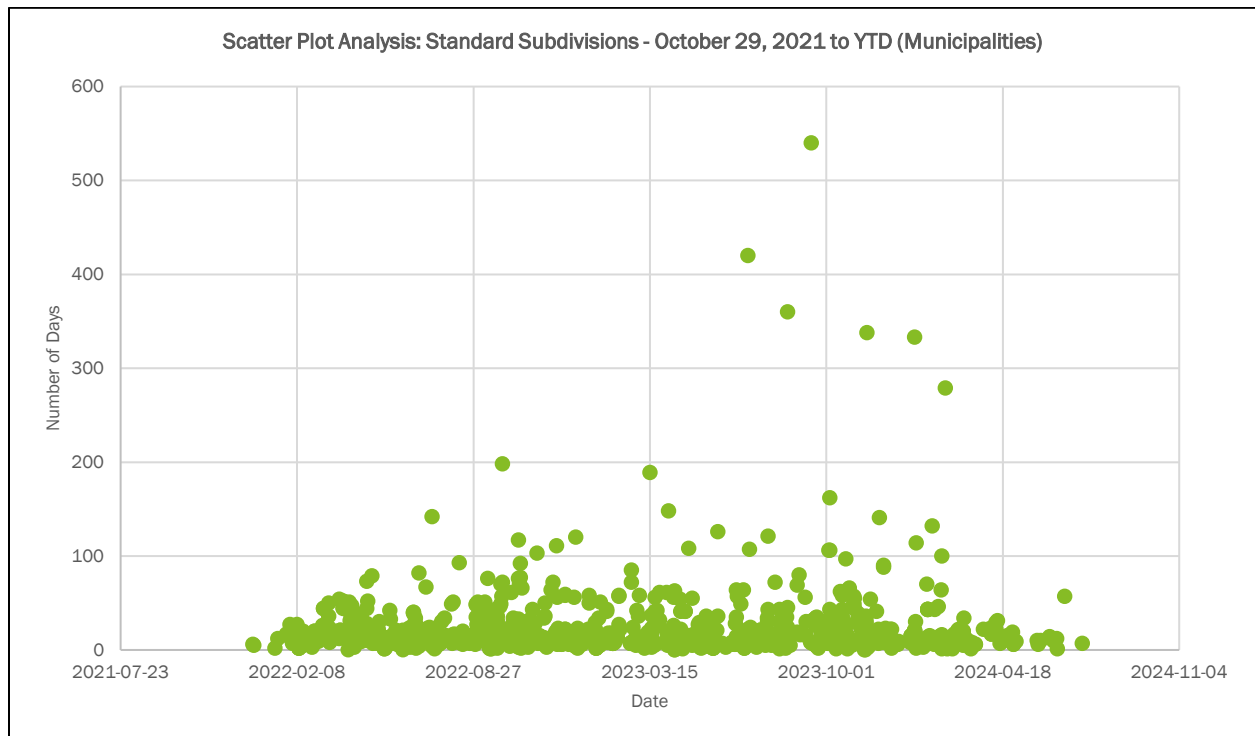
Statistical Analysis – Standard Subdivisions (60 days from date of council resolution to approving authority decision)

- The quartile assessment for standard subdivisions shows that one quarter of applicants must wait between 28 and 540 days for this timeline.
- The scatter plot assessment shows that municipalities are generally consistent in meeting this timeline and that most applications are processed within the legislated timeframes.

Quartile Assessment – Standard Subdivisions



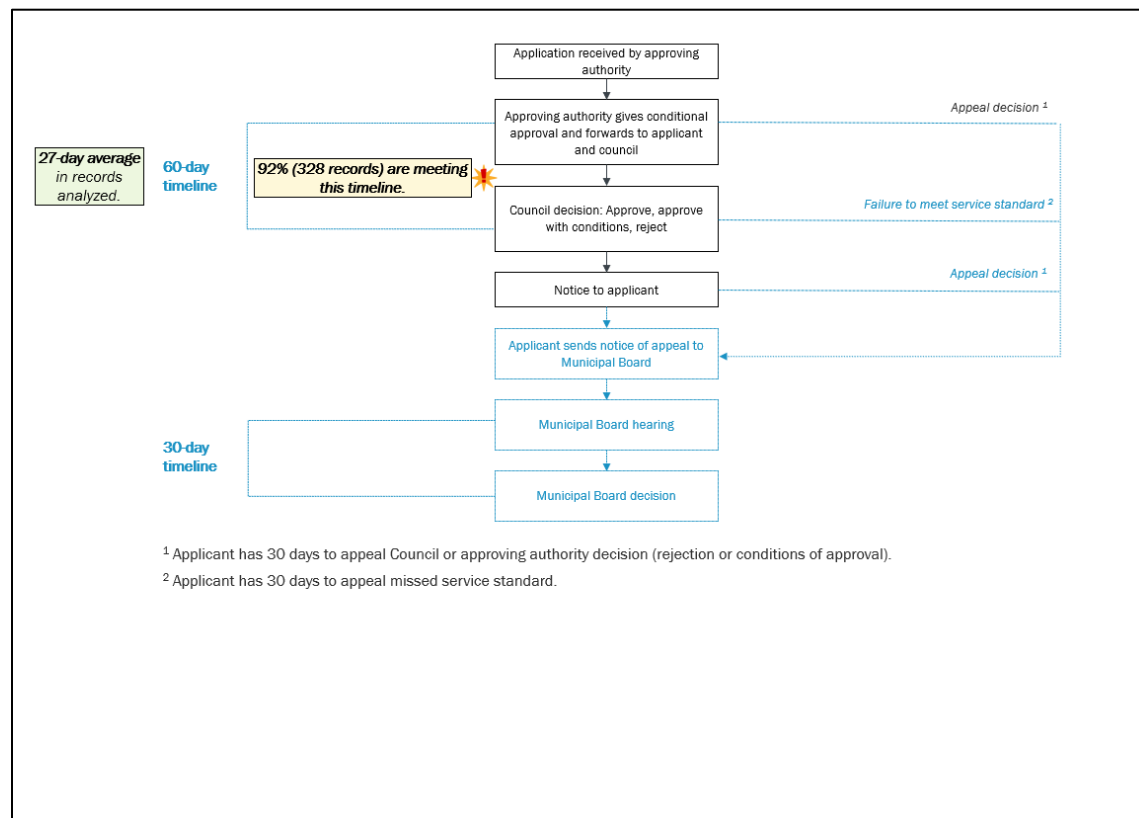
Scatter Plot Assessment – Standard Subdivisions



Manitoban Municipalities – Minor Subdivisions

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is received by council to resolution
Analyzable Records Provided After October 29, 2021, for Service Standard 1	356
Service Standard 1 Performance After October 29, 2021	92%

Manitoba Municipalities – Minor Subdivisions Process Chart¹⁹

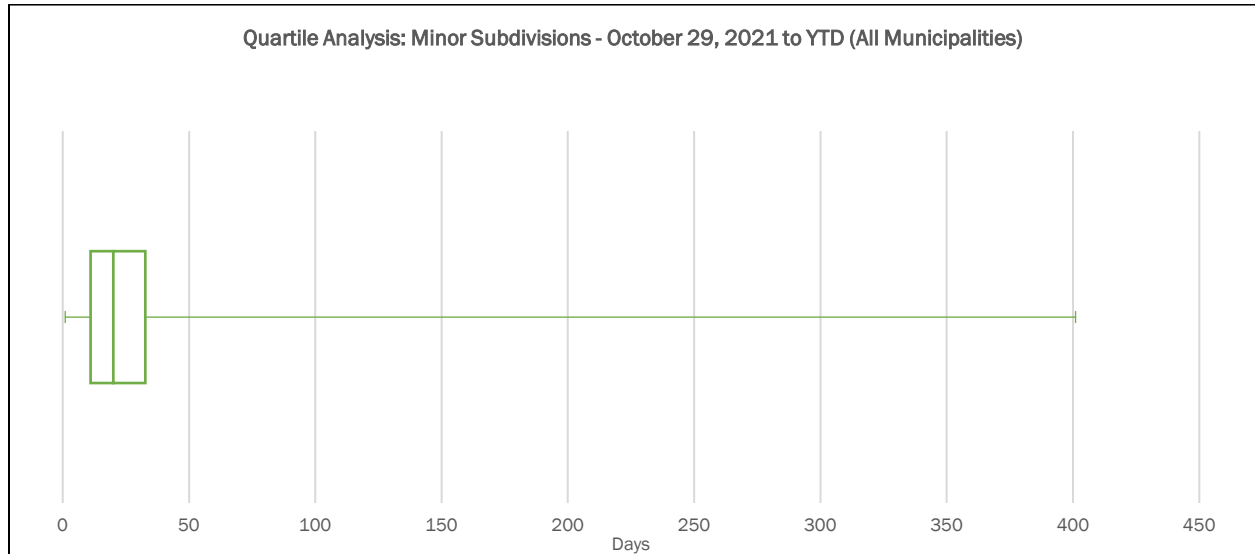


¹⁹ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021).

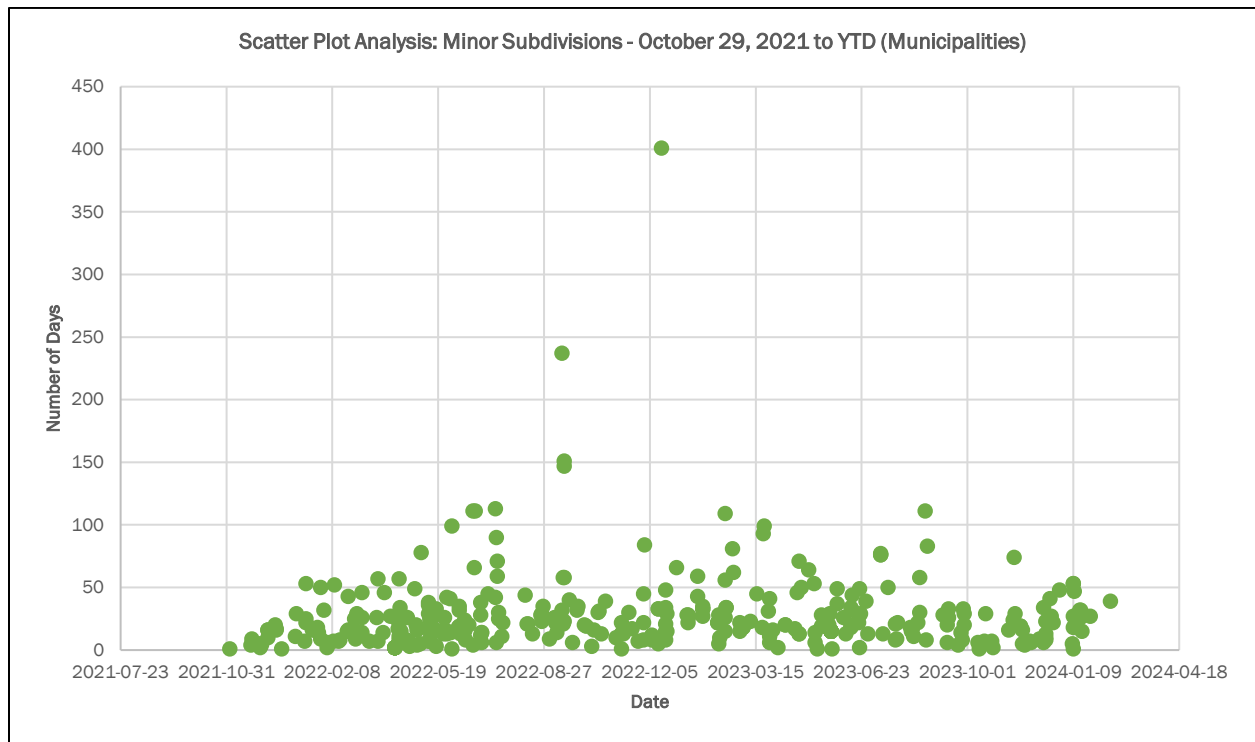
Statistical Analysis – Minor Subdivisions

- The quartile assessment for minor subdivisions shows that one quarter of applicants must wait between 33 and 401 days for this timeline.
- The scatter plot assessment for minor subdivisions highlights that municipalities are generally consistent in meeting this timeline barring some outliers and noteworthy exceptions.

Quartile Assessment – Minor Subdivisions



Scatter Plot Assessment – Minor Subdivisions



Manitoban Municipalities – Development Agreement

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is received by council to resolution
Analyzable Records Provided After October 29, 2021, for Service Standard 1	Data Unavailable
Service Standard 1 Performance After October 29, 2021	Data Unavailable

Insufficient data was collected to conduct a proper service standards evaluation for development agreements. Flowchart, quartile, and scatter plot assessments are therefore not included for this application type.

Manitoban Municipalities – Development Agreement Amendment

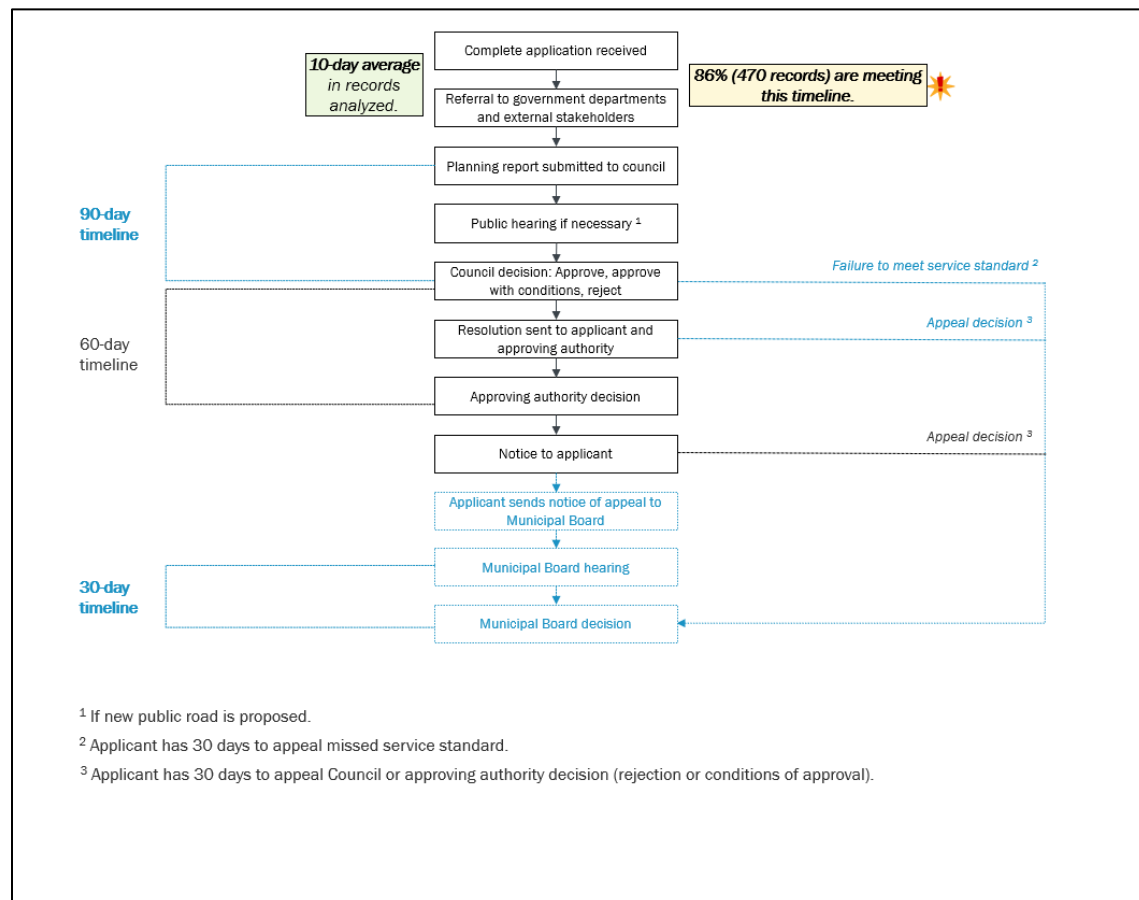
Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	90 days from date application is received by council to resolution
Analyzable Records Provided After October 29, 2021, for Service Standard 1	1
Service Standard 1 Performance After October 29, 2021	100%

Insufficient data was collected to conduct a proper service standards evaluation for development agreement amendments. Flowchart, quartile, and scatter plot assessments are therefore not included for this application type. Please see the Service Standards Summary Table for municipalities for information about the one record that was provided for this analysis.

Manitoban Municipalities – Development Permits

Analytical Scope	Detail
Applicable Legislation	The Planning Act
Applicable Geography	All Manitoban Municipalities, Except for Winnipeg
Service Standard	20 days to determine whether application is complete from date application submitted
Analyzable Records Provided After October 29, 2021, for Service Standard 1	546
Service Standard 1 Performance After October 29, 2021	86%
Service Standard	60 days to determine if proposed development conforms with the applicable provisions of the development plan by-law, zoning by-law, and any secondary plan by-law from the date the application is submitted
Analyzable Records Provided After October 29, 2021, for Service Standard 2	Data Unavailable
Service Standard 2 Performance After October 29, 2021	Data Unavailable

Manitoba Municipalities – Development Permits Process Chart²⁰

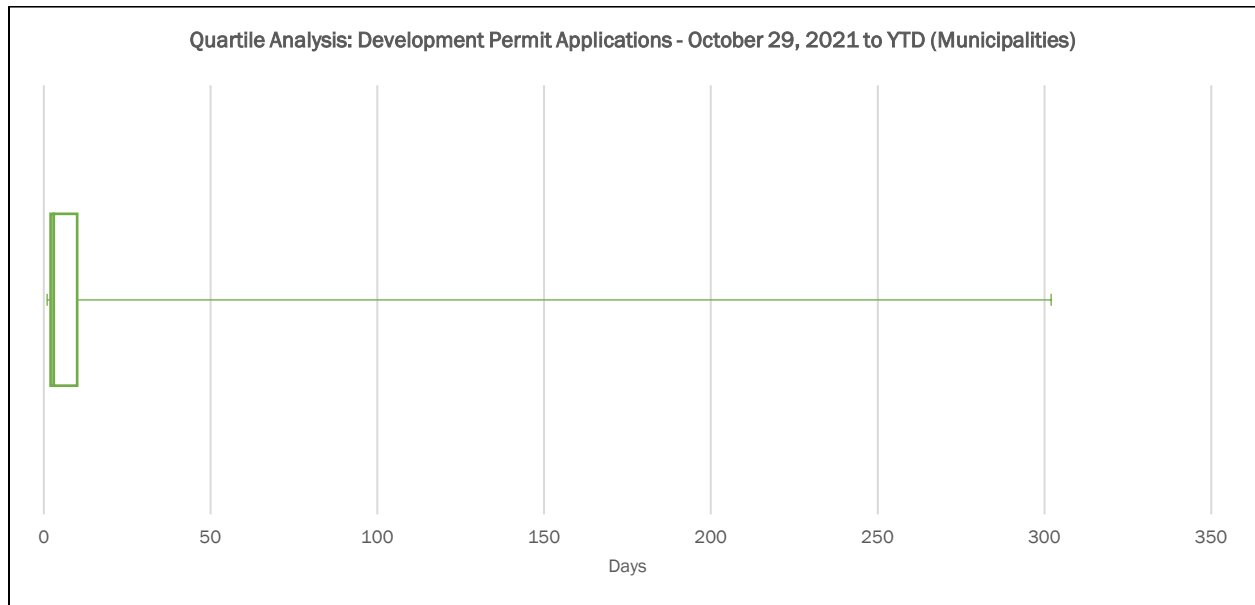


²⁰ Process chart extracted from Manitoba's Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards (October 2021). Note, the flowchart for standard subdivisions processed by municipalities was used to illustrate the applicable service standard timeline for development permit applications.

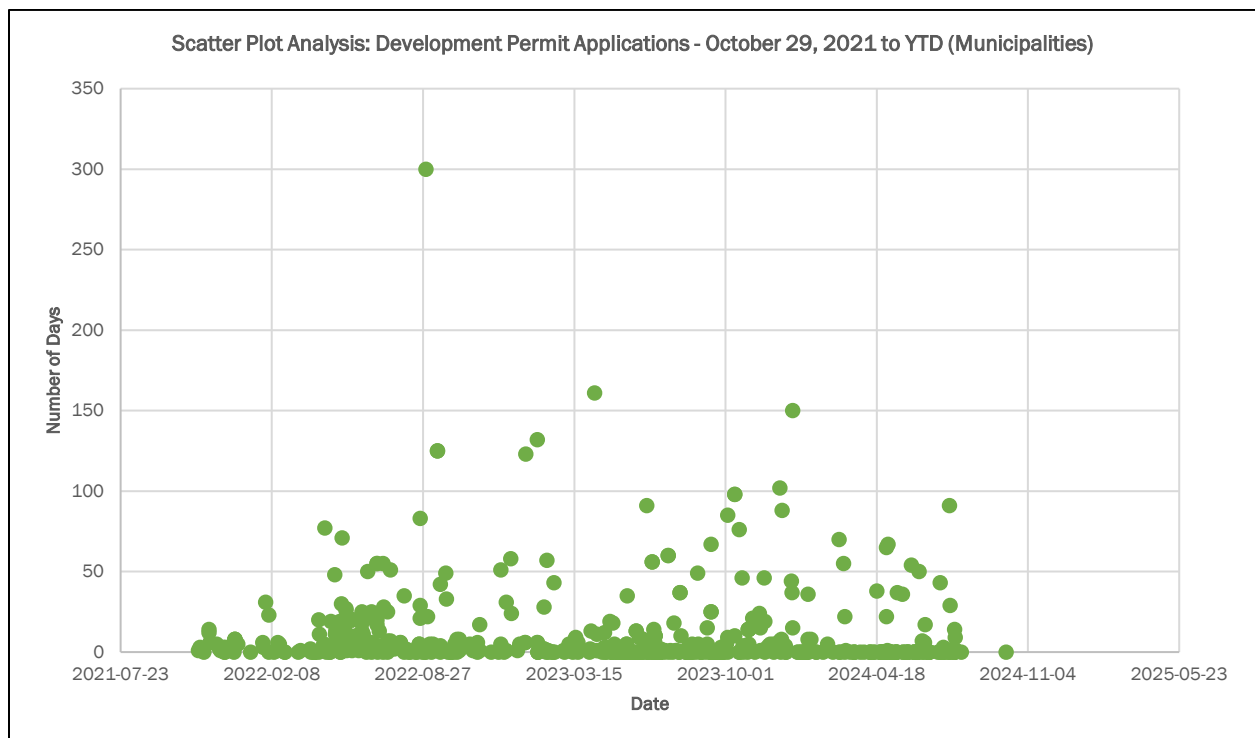
Statistical Analysis – Development Permit Applications

- The quartile assessment shows that municipalities are generally consistent in meeting this service standard for development permits.
- The scatter plot assessment for development permit applications shows minimal variation in municipality capabilities in deeming whether a development permit application is complete.

Quartile Assessment – Development Permit Applications



Scatter Plot Assessment – Development Permit Applications



4.0 Developer Data Analysis

4.1 Key Findings

Project Review Team Observations

- Key dates tracked by developers and the City of Winnipeg are generally consistent.
- There are some discrepancies in the records analyzed but these are attributable to the days required to notify the developer or the city (e.g., the notification delay in confirming with the developer that an application is complete).
- The timelines for unlegislated dates including 1st reading by council, 2nd and 3rd reading by council, draft development agreement received, final development agreement signed, and land title registration are long given the records analyzed.
- The timelines that begin after council's approval date are generally long and require hundreds of days for completion between 1st reading by council and land title registration.
- The data support developer concerns with the city's ability to process development applications in a reasonable manner after 1st reading by council.
- Two of the five records that were analyzed show that over 500 days were observed between council approval and land title registration. This means that about one and a half years were observed to process the applications through 1st reading, 2nd and 3rd reading, to develop the development agreement, and to register the appropriate titles.

4.2 Methodology Used

This section includes analysis on five City of Winnipeg planning and development records provided directly by two developers to compare timeline records captured by the City of Winnipeg and those compiled by developers. Analysis on unlegislated timelines (e.g., 2nd Hearings) are also included in this section.

Planning and Development Records Provided

A total of five planning and development records were provided by two developers. The following table summarizes the information provided:

File Number	Developer	Analyzable?	Service Standard Met?
DASZ 10 / 2022	Developer 1	Yes	✓
DASZ 5 / 2024	Developer 1	Yes	✓
DASZ 12 / 2024	Developer 1	Yes	X
DASZ 25 / 2022	Developer 2	Yes	✓
DASZ 29 / 2023	Developer 2	Yes	✓

Analytical Approach

The data provided by developers was compared against data shared by the City of Winnipeg to identify any discrepancies in the timeline dates captured for the five applications. The applications were then organized into tables including the following key dates: application date, application deemed complete date, public hearing date, council approval date, 1st reading date, 2nd and 3rd reading by council, draft development agreement, final development agreement signed, and land title registered. Key findings on whether the appropriate service standard was met, the developer issue(s), and observations are included for all five applications.

Analytical Outputs

The analysis performed on developer records delivered the following analytical outputs:

- File Assessments
- Key Findings

One file assessment was performed for all developer records provided so there are five file assessments in total in this section.

File Assessment 1

DASZ 10 / 2022 – Developer 1

Highlighted in **green** are timelines that are currently subject to service standards (e.g., time between complete application received and decision). Text highlighted in **red** show date discrepancies between developers and the city.

File Number	Timelines Provided by Developers and the City of Winnipeg				Timelines Only Provided by Developers				
	Application Date	Application Deemed Complete	Public Hearing Date	Council Approval Date	1 st Reading by Council	2 nd and 3 rd Reading by Council	Draft Development Agreement Received	Final Development Agreement Signed	Land Title Registered
DASZ 10 / 2022	Developer Date: December 14 th , 2021	Developer Date: February 4th, 2022	Developer Date: April 27 th , 2022	Developer Date: May 26 th , 2022	Developer Date: June 23 rd , 2022	Developer Date: December 15 th , 2022	Developer Date: January 11 th , 2023	Developer Date: August 24 th , 2023	Developer Date: October 26 th , 2023
	CoW Date: Not Provided	CoW Date: January 27th, 2022	CoW Date: Not Provided	CoW Date: May 26 th , 2022	CoW Date: Not Provided	CoW Date: Not Provided	CoW Date: Not Provided	CoW Date: Not Provided	CoW Date: Not Provided

Key Findings

- **Service Standard** – The City of Winnipeg met the applicable service standard for this record. A total of 119 days were observed between the date a completed application was received and the date a decision was rendered by council.
- **Developer Issue** – The developer has issue with the timelines that occur after the observed service standard as the timelines after the council approval date are very long. A total of 518 days passed between the date of council approval and the date the land title was registered by the developer.
- **Observations** - The data show that the city is meeting the appropriate service standard and that less effort appears to be allocated on the timelines and dates that are not subject to service standards. There is also one discrepancy for the application deemed date as it was recorded differently by both parties.

File Assessment 2

DASZ 5 / 2024 – Developer 1

Cells highlighted in **green** are timelines that are currently subject to service standards (e.g., time between complete application received and decision). Text highlighted in **red** show date discrepancies between developers and the city.

File Number	Timelines Provided by Developers and the City of Winnipeg				Timelines Only Provided by Developers				
	Application Date	Application Deemed Complete	Public Hearing Date	Council Approval Date	1 st Reading by Council	2 nd and 3 rd Reading by Council	Draft Development Agreement Received	Final Development Agreement Signed	Land Title Registered
DASZ 5 / 2024	Developer Date: December 13th, 2023 CoW Date: December 18th, 2023	Developer Date: February 13th, 2024 CoW Date: January 22nd, 2024	Developer Date: April 5 th , 2024 CoW Date: April 5 th , 2024	Developer Date: April 25 th , 2024 CoW Date: April 25 th , 2024	Developer Date: May 30 th , 2024 CoW Date: Not Provided	Developer Date: June 27 th , 2024 CoW Date: Not Provided	Underway	Not Started	Not Started

Key Findings

- **Service Standard** – The City of Winnipeg met the applicable service standard for this record. A total of 94 days were observed between the date a completed application was received and the date a decision was rendered by council.
- **Developer Issue** – The developer has issue with the fact that this application was previously submitted in March 2023 and that the city refused to process the application due to a policy misinterpretation. The developer has concerns with the timelines for 2nd and 3rd reading that are still underway.
- **Observations** – There are two discrepancies in the data sets provided for the application date and the application deemed complete date. The timelines are long for dates not subject to service standards.

File Assessment 3

DASZ 12 / 2024 (Sage North) – Developer 1

Cells highlighted in **green** are timelines that are currently subject to service standards (e.g., time between complete application received and decision). Text highlighted in **red** show date discrepancies between developers and the city.

File Number	Timelines Provided by Developers and the City of Winnipeg				Timelines Only Provided by Developers				
	Application Date	Application Deemed Complete	Public Hearing Date	Council Approval Date	1 st Reading by Council	2 nd and 3 rd Reading by Council	Draft Development Agreement Received	Final Development Agreement Signed	Land Title Registered
DASZ 12 / 2024	Developer Date: January 26th, 2024 CoW Date: January 25th, 2024	Developer Date: March 28th, 2024 CoW Date: March 21st, 2024	Developer Date: September 24th, 2024 CoW Date: June 6th, 2024	Developer Date: Not Provided CoW Date: Not Provided	Underway	Not Started	Not Started	Not Started	Not Started

Key Findings

- **Service Standard** – The City of Winnipeg did not meet the applicable service standard for this record. A total of 188 days has been observed between the date a completed application was received and the date a decision was rendered by council. Council approval date is still underway.
- **Developer Issue** – The developer has issue with the fact that the city is not meeting its appropriate service standard and that it is still waiting for council to approve the application. It is now 38 days over the applicable service standard.
- **Observations** – There are three discrepancies in the data sets provided for the application date, application deemed complete date, and the public hearing. Note, the time it took for the city to notify the developer for this record is high. This may help to explain these discrepancies.

File Assessment 4

DASZ 25 / 2022 – Developer 2

Cells highlighted in **green** are timelines that are currently subject to service standards (e.g., time between complete application received and decision). Text highlighted in **red** show date discrepancies between developers and the city.

File Number	Timelines Provided by Developers and the City of Winnipeg				Timelines Only Provided by Developers				
	Application Date	Application Deemed Complete	Public Hearing Date	Council Approval Date	1 st Reading by Council	2 nd and 3 rd Reading by Council	Draft Development Agreement Received	Final Development Agreement Signed	Land Title Registered
DASZ 25 / 2022	Developer Date: March 30 th , 2022 CoW Date: March 30 th , 2022	Developer Date: April 12 th , 2022 CoW Date: April 13 th , 2022	Developer Date: June 21 st , 2022 CoW Date: Not Provided	Developer Date: July 21 st , 2022 CoW Date: July 21 st , 2022	Developer Date: September 22 nd , 2022 CoW Date: Not Provided	Developer Date: February 23 rd , 2023 CoW Date: Not Provided	Developer Date: August 10 th , 2023 CoW Date: Not Provided	Developer Date: September 18 th , 2023 CoW Date: Not Provided	Developer Date: December 12 th , 2023 CoW Date: Not Provided

Key Findings

- **Service Standard** – The City of Winnipeg met the applicable service standard for this record. A total of 99 days were observed between the date a completed application was received and the date a decision was rendered by council.
- **Developer Issue** – The developer has issue with the overall length of the application process. A total of 509 days were observed between the date of council approval and land title registration.
- **Observations** – There is one discrepancy between the data sets provided for the application deemed complete date. This may be explained by the calendar day it took the city to deem the application complete that was circulated by the developer.

File Assessment 5

DASZ 29 / 2023 – Developer 2

Cells highlighted in **green** are timelines that are currently subject to service standards (e.g., time between complete application received and decision). Text highlighted in **red** show date discrepancies between developers and the city.

File Number	Timelines Provided by Developers and the City of Winnipeg				Timelines Only Provided by Developers				
	Application Date	Application Deemed Complete	Public Hearing Date	Council Approval Date	1 st Reading by Council	2 nd and 3 rd Reading by Council	Draft Development Agreement Received	Final Development Agreement Signed	Land Title Registered
DASZ 29 / 2023	Developer Date: August 30 th , 2023 CoW Date: March August 30 th , 2023	Developer Date: September 18th, 2023 CoW Date: September 26th, 2023	Developer Date: January 23rd, 2024 CoW Date: January 24th, 2024	Developer Date: February 22 nd , 2024 CoW Date: February 22 nd , 2024	Developer Date: March 21 st , 2024 CoW Date: Not Provided	Developer Date: April 25 th , 2024 CoW Date: Not Provided	Underway	Not Started	Not Started

Key Findings

- **Service Standard** – The City of Winnipeg just met the applicable service standard for this record. A total of 149 days were observed between the date a completed application was received and the date a decision was rendered by council.
- **Developer Issue** – The developer has issue with the overall length of the application process. The developer is still waiting on the city agreements (e.g., draft development agreement received for developer signatures).
- **Observations** – There are two discrepancies in the data sets provided for application deemed complete and the public hearing date. This may be explained by the time it took city staff to record and process the information submitted by the developer.

5.0 Online Data Request Survey Analysis

5.1 Key Findings

Key Survey Results

- 54% (74) of municipalities did not complete the online survey.
- 60% of municipalities do not use an online or electronic permitting system.
- 5% of municipalities do not provide support to applicants prior to the date they submit their application.
- 35% of municipalities belonging to the Capital Planning Region do not feel prepared to conform to Plan 2050.
- 28% of municipalities belonging to the Capital Planning Region have not undertaken any actions to conform to Plan 2050.
- 86% of municipalities do not have a formal pre-application support process.
- 31% of municipalities do not have an informal pre-application support process.
- 98% of municipalities do not have an assigned budget for appeal costs.
- 6% of municipalities feel they have been very significantly impacted by the legislation, 29% have experienced a somewhat significant impact, while 65% have experienced no change.

Project Review Team Observations

- Before October 29, 2021, municipalities on average had allocated about 1.27 FTEs to their planning departments. This number has increased to 1.32 after October 29, 2021, meaning there are 5% more FTEs, on average, across all Manitoba municipality planning departments.
- Some municipal planning departments have not undergone any change while some municipalities have doubled their FTE count (e.g., 1 to 2 FTEs).
- Key feedback provided by municipalities includes inconsistent guidance, resources, and information provided by stakeholders, unclear long-term implications, the administrative costs involved in aligning internal processes to regional plans, and the financial costs for studies required for planning, by-law amendments, and re-writes introduced through Plan 2050.
- Several municipalities indicated they would prefer to opt out of Plan 2050.
- 60% of municipalities feel they have not undergone any change since the legislation came into effect and 29% feel somewhat impacted by the legislation.
- Municipalities who provided final insights, observations, and other feedback on the legislation indicated they had not experienced any real change except for tighter deadlines and increased internal effort in completing all required documentation for planning and development applications.

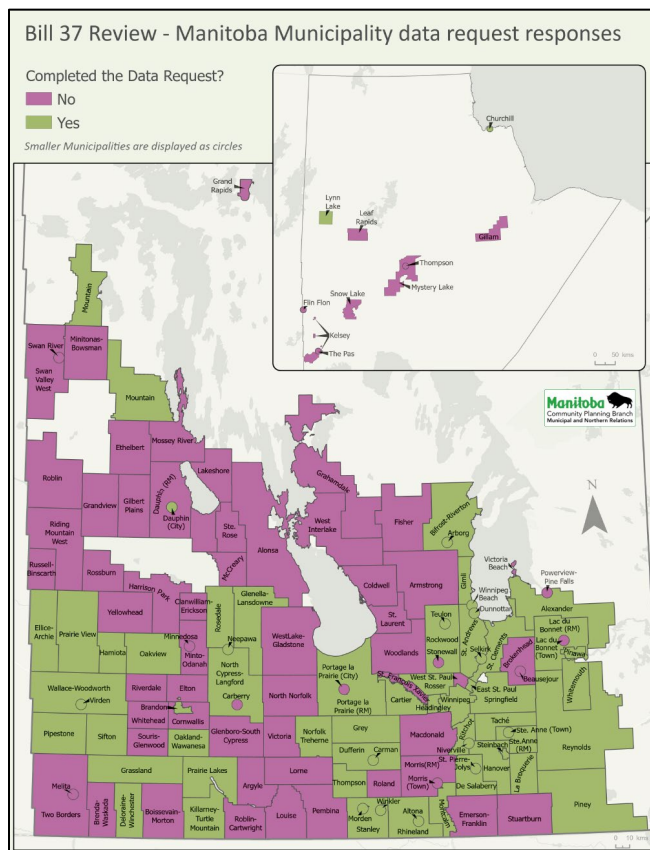
5.2 Methodology

An online survey was circulated to municipalities to collect quantitative and qualitative insights on any observed impacts that have been experienced through the legislation within review scope and to provide municipalities with an opportunity to provide additional feedback on the changes that were introduced through the legislation. The review team consulted with Manitoba in designing the survey to achieve the following:

- To provide municipalities with an opportunity to share direct feedback on the legislation,
- To collect qualitative insights (e.g., lived experience) on how the legislation may or may not have impacted municipalities, and
- To ensure that all municipalities had an active role in this review process by sharing their perspectives and localized experiences with the legislation through this survey.

The survey was released on Thursday August 1st, 2024, and closed Friday September 20th, 2024, as part of the project's data request to municipalities. Municipalities were required to update their data request spreadsheet, containing relevant planning and development records, to complete the online survey. Including the City of Winnipeg, 63 municipalities completed the survey (e.g., fully completed the online survey and submitted a completed data request spreadsheet with usable planning and development records) while three municipalities just provided data through the data request spreadsheet.

Bill 37 Review – Manitoba Municipality Data Request Responses Visual Chart²¹



²¹ Visual chart provided to the Project Review Team by Manitoba.

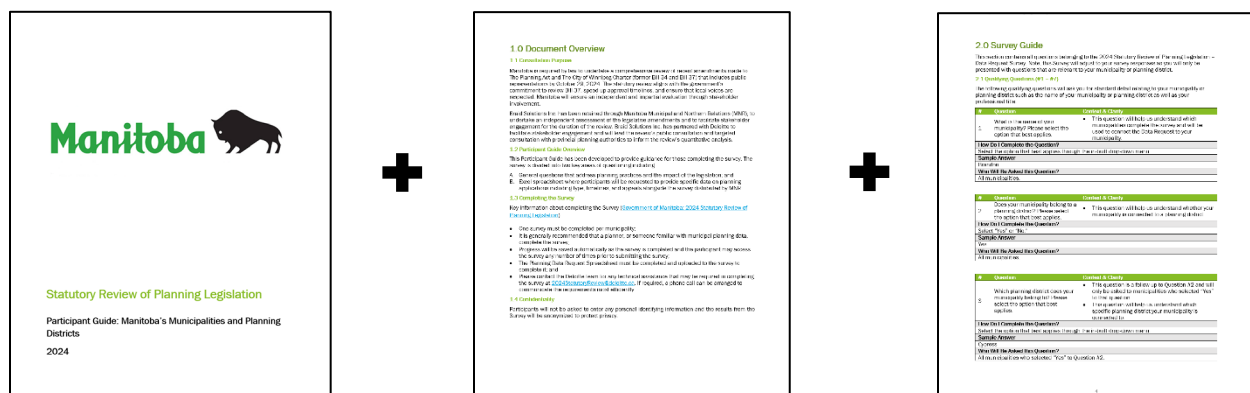
5.3 Online Survey Questionnaire

A total of 31 questions were included in the online survey. Question logic was incorporated throughout the survey, as well, so municipalities were only asked questions that were relevant and practical to them (e.g., municipalities were only asked to describe their formal processes for planning pre-application support if they answered yes to having formal processes for planning pre-application support). The following table includes all 31 questions that were included in the online survey:

#	Question
1	What is the name of your municipality?
2	Does your municipality belong to a planning district?
3	Which planning district does your municipality belong to?
4	Does your municipality belong to the Capital Planning Region?
5	Who at your municipality is the primary contact for this data request (e.g., who is charged with completing this request)?
6	Has your municipality's primary contact for this data request assigned a technical resource or staff member to complete this request?
7	Please enter the name, title, and email belonging to the technical resource or staff member that has been assigned to complete this request on behalf of your municipality's primary contact.
8	Does your municipality or planning district use an online, or electronic, permitting application system?
9	Does your municipality or planning district help with planning applications prior to the date an application is made?
10	As per the Planning Amendment and City of Winnipeg Charter Amendment Act (formerly Bill 37), member municipalities will have three years to conform to Plan 20-50. Do you feel your municipality will be able to conform to meet these timelines?
11	Has your municipality undertaken any actions in ensuring it will be able to meet the timelines outlined by Plan 20-50?
12	What actions has your municipality undertaken? Please describe in detail all actions your municipality has undertaken to meet the proposed Plan 20-50's timelines and requirements?
13	What does your municipality foresee to be the largest challenges in conforming to Plan 20-50?
14	Has your municipality implemented a formal pre-application process to help with planning applications before the date a formal application is submitted to your municipality?
15	Describe the formal process by which your municipality or planning district uses to provide support for planning applications prior to the date the application is made.
16	When was this formal process initiated? Please enter the date in the text entry box below.
17	Overall, approximately what percent of all planning applications receive some level of formal pre-support by your municipality (e.g., 50%)?
18	How have your municipality's formal processes for planning pre-application supports changed since October 29, 2021?
19	Has your municipality implemented an informal pre-application process to help with planning applications before the date a formal application is submitted to your municipality?
20	Describe the informal process by which your municipality or planning district uses to provide support for planning applications prior to the date the application is made.

21	When was this informal process initiated? Please enter the date in the text entry box below.
22	Overall, approximately what percent of all planning applications receive some level of informal pre-support by your municipality (e.g., 50%)?
23	How have your municipality's informal processes for planning pre-application supports changed since October 29, 2021?
24	For any appeals that your municipality has undergone, please describe as accurately as possible the type of incremental costs your municipality may have had to pay (e.g., legal, staff, administrative) for local appeals and appeals before The Municipal Board.
25	Would you like to submit any documentation that shows any costs your municipality may have had to pay for local appeals and appeals before The Municipal Board?
26	Please attach any files you would like to submit that indicate any costs your municipality may have had to pay for local appeals and appeals before The Municipal Board.
27	Does your municipality have an assigned or designated budget for appeal costs?
28	Please provide how many Full-Time or Equivalent (FTE) staff you had assigned to your municipality's planning department prior to and after October 29, 2021.
29	Overall, and in your municipality or planning district's view, how would you describe the impact of the legislative changes made through The Planning Amendment and City of Winnipeg Charter Amendment Act and The City of Winnipeg Charter Amendment and Planning Amendment Act on your municipality or planning district planning processes since October 29, 2021?
30	Please provide brief insights into your answer and describe any changes or impacts that your municipality or planning district has observed since October 29, 2021.
31	To complete this survey, attach the Planning Data Request Spreadsheet you received from Manitoba Municipal and Northern Relations. Please save the file as follows prior to uploading: [Your Municipality Name] _ [Date of Submission] _ Data Request.xlsx

Some questions have been truncated in the above table (e.g., question logic and text that would accompany questions depending on previous responses provided by the municipality) but they are fully representative of the survey that was communicated to municipalities. A Participant Guide was also developed and shared with municipalities to provide context, sample answers, and clarifying information for all survey questions (see below graphic showcasing Participant Guide materials sent directly to municipalities):



5.4 Key Metrics

The following tables, charts, and graphs highlight the 24 analyzable metrics that emerged through the online survey results.

#	Metric
1	Number of Municipalities Who Completed the Survey
Result(s)	
63 municipalities completed the survey. 46% of Manitoban municipalities completed the survey (e.g., completed the online and submitted a completed and usable data request spreadsheet).	

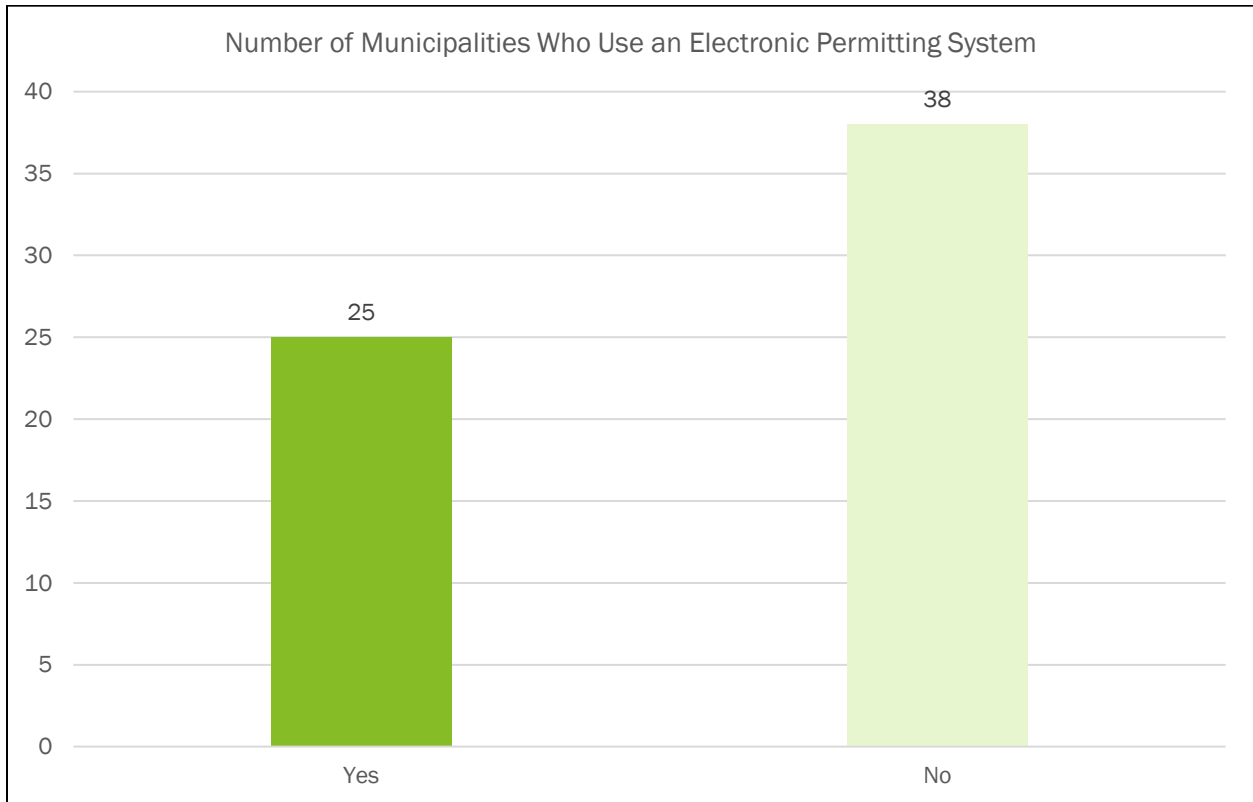
#	Metric
2	Number of municipalities belonging to a Planning District.
Result(s)	
44 municipalities who completed the survey belong to Planning Districts. 19 municipalities who completed the survey do not belong to Planning Districts.	

#	Metric
3	Which Planning Districts do municipalities belong to?
Result(s)	
- Carman-Dufferin-Grey: 3 - Cypress: 2 - Dennis County: 3 - Eastern Interlake: 4 - Macdonald – Ritchot: 1 - Mid-West: 4 - Morden / Stanley / Thompson / Winkler (MSTW): 3 - Neepawa & Area: 4 - Pelican-Rock Lake: 1 - Rhineland / Plum Coulee Gretna / Altona (RGPA): 2 - Red River: 4 - South Central: 1 - South Interlake: 3 - Southwest: 1 - Swan Valley: 2 - Thompson: 2 - Trans Canada West: 1 - White Horse Plains: 1 - Whitemouth Reynolds: 1 - Winnipeg River: 1	

#	Metric
4	Number of municipalities belonging to the Capital Planning Region.
Result(s)	
14 municipalities who completed the survey belong to the Capital Planning Region. 49 municipalities who completed the survey do not belong to the Capital Planning Region.	

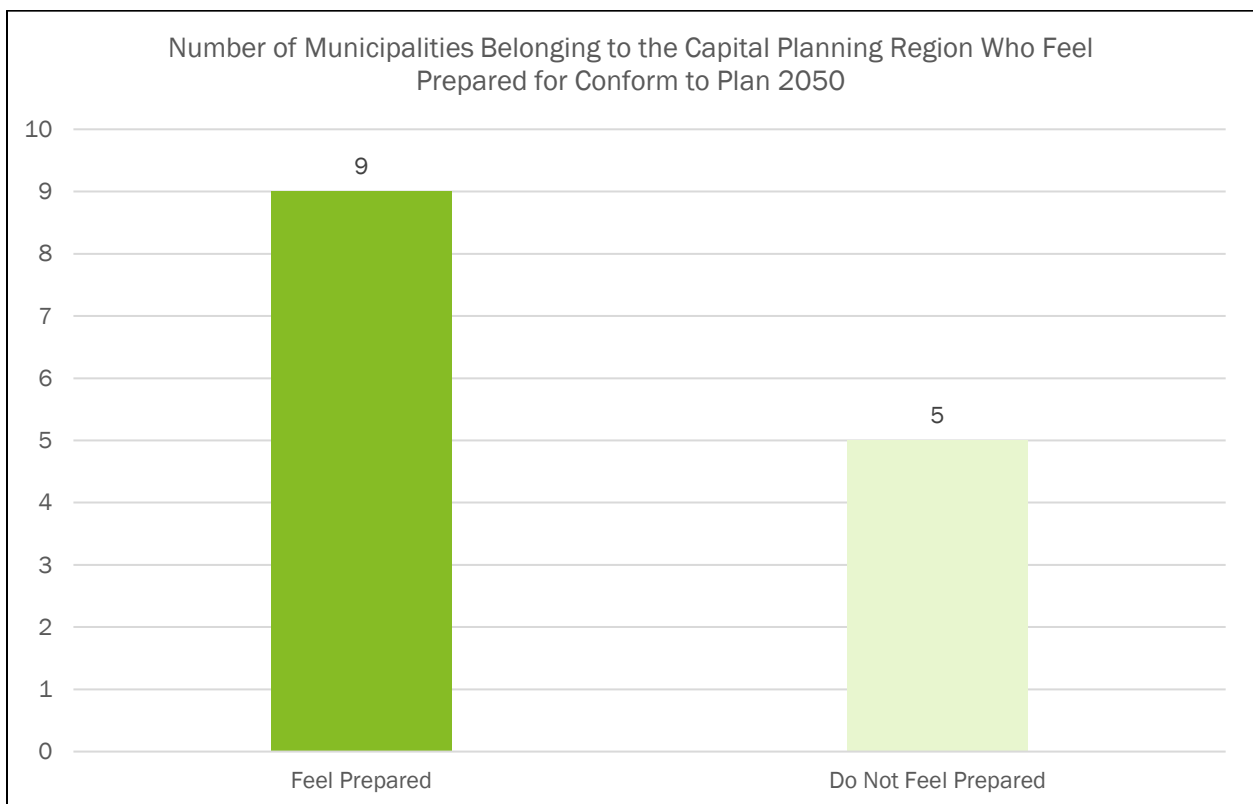
#	Metric
5	Number of municipalities who assigned a technical resource to complete the request.
Result(s)	
25 municipalities who completed the survey assigned a technical resource. 38 municipalities who completed the survey did not assign a technical resource.	

#	Metric
6	How many municipalities use an online or electronic permitting system?
Result(s)	
See below chart.	



#	Metric
7	Number of municipalities that help applicants with planning applications prior to the date an application is made.
Result(s)	
60 municipalities who completed the survey help applicants with planning applications prior to the date an application is made. 3 municipalities who completed the survey do not help applicants with planning applications prior to the date an application is made.	

#	Metric
8	Number of municipalities who belong to the Capital Planning Region that feel they will be able to conform to Plan 2050.
Result(s)	
9 municipalities who completed the survey belonging to the Capital Planning Region feel they will be able to conform to Plan 2050. 5 municipalities who completed the survey belonging to the Capital Planning Region do not feel they will be able to conform to Plan 2050.	

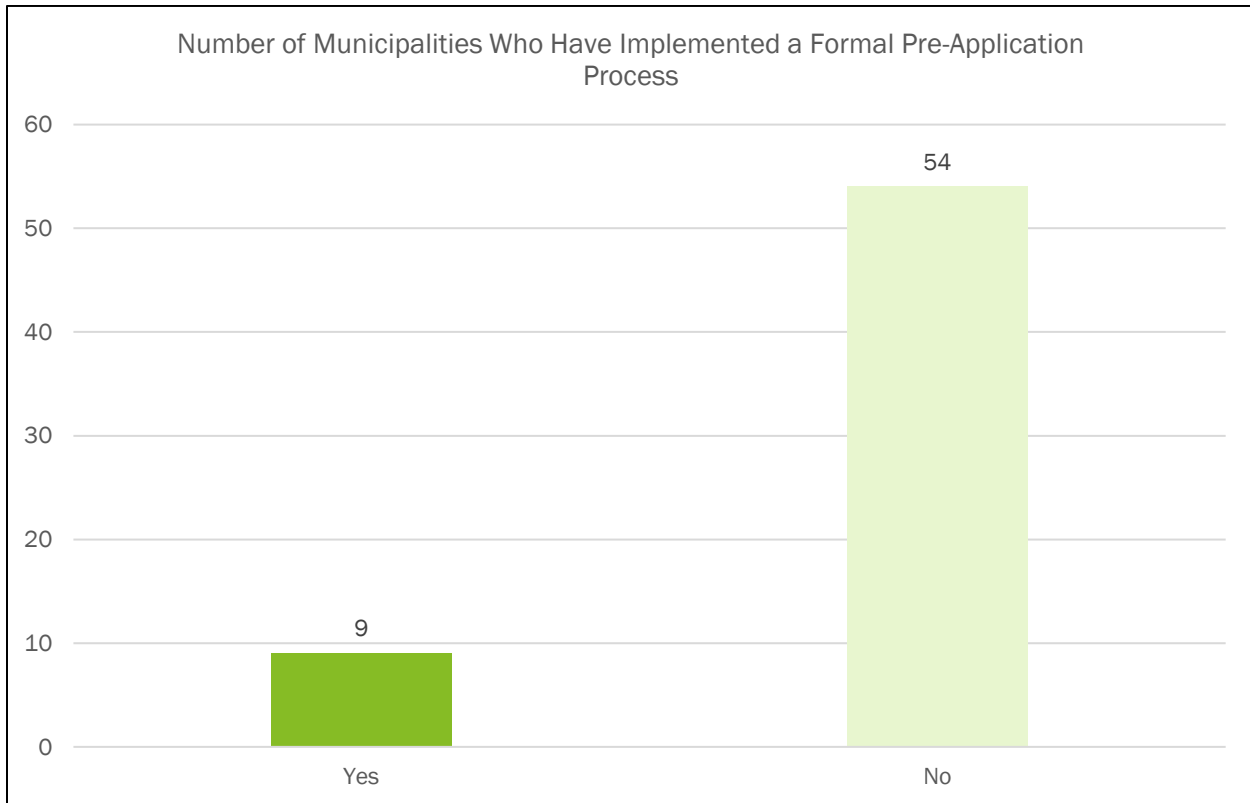


#	Metric
9	Number of municipalities who belong to the Capital Planning Region that have taken action to ensure they will meet the timelines outlined by Plan 20-50.
Result(s)	
10 municipalities who completed the survey belonging to the Capital Planning Region have undertaken actions to ensure they will meet the timelines outlined by Plan 20-50. 4 municipalities who completed the survey belonging to the Capital Planning Region have not undertaken actions to ensure they will meet the timelines outlined by Plan 20-50.	

#	Metric
10	Actions that municipalities have taken to conform to Plan 20-50.
Result(s)	
The following written insights were shared by municipalities: - Currently updating development plan. - Applied for funding and the process of completing new studies (e.g., water and wastewater) that are mandatory under Plan 20-50. - We are working collaboratively with [Winnipeg Metropolitan Region] staff and worked with them to draft Plan 20-50. We have been actively involved in this process including attending open houses, workshops, and so on. - We are implementing density requirements to ensure new servicing requirements are met.	

#	Metric
11	Challenges that municipalities foresee to be the most pressing in conforming to Plan 20-50.
Result(s)	
The following written insights were shared by municipalities: - Preference to opt-out of Plan 20-50. - Aligning local development plan secondary plan by-laws to regional plan. - Integrating consideration of the regional plan in local application review processes. - Cost for require studies, planning, by-law amendments, and re-writes induced by Plan 20-50. - Aligning future development plan reviews with Plan 20-50 (e.g., longer-term alignment). - Integrating multiple local, regional, provincial, and federal plans to ensure consistency. - Unclear long-term implications and cost-benefit analysis for smaller municipalities that report competing for resources against other smaller municipalities belonging to the Capital Planning Region. - Inconsistent guidance, resources, and information is being promulgated by key stakeholders (e.g., municipal officials) which is causing confusion and hindering ecosystem alignment.	

#	Metric
12	Number of municipalities who have implemented a formal pre-application process.
Result(s)	
See below chart.	

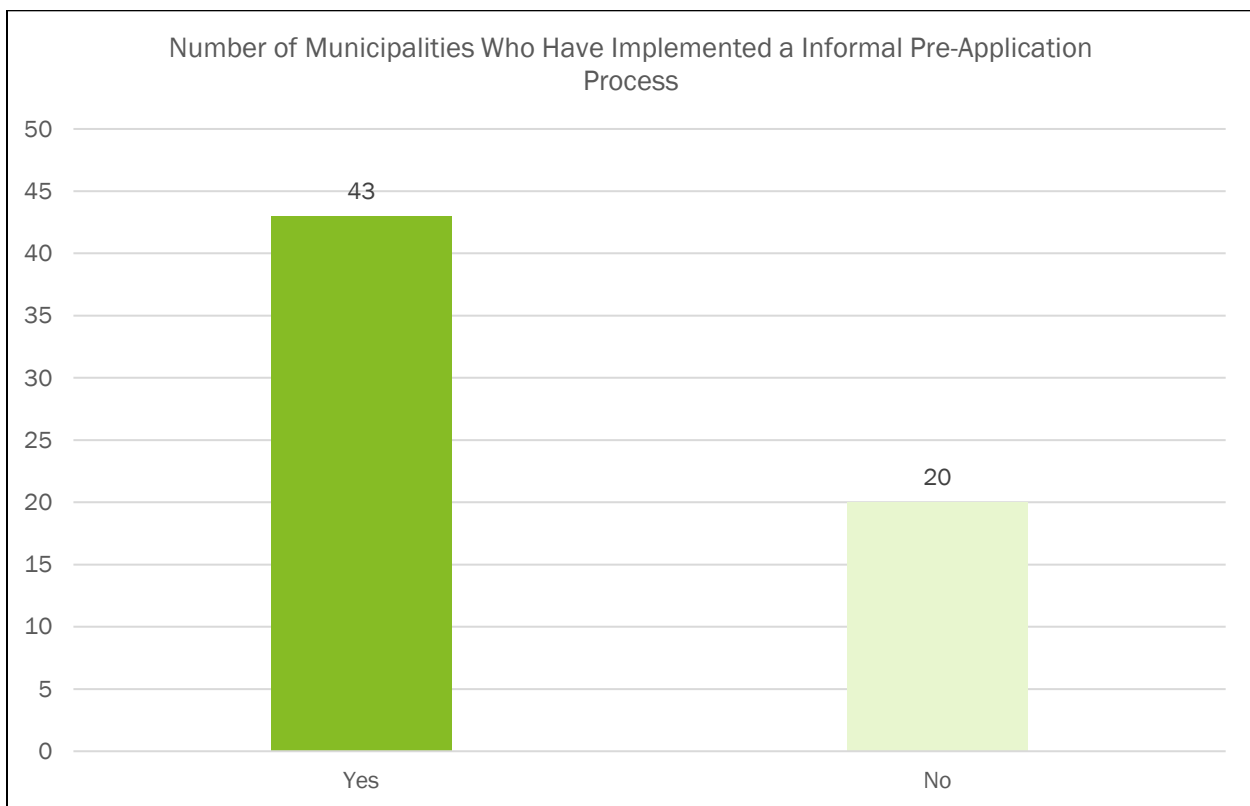


#	Metric
13	Ways in which municipalities support applicants through a formal pre-application process.
Result(s)	
The following written insights were shared by municipalities: • Applicants are invited to meet with staff from the Planning District, Town, or both depending on the application's contents. • Discussions held with applicants take into consideration all possible processes and actions that may be required to make the applicant successful. • Communication channels exist online for applicants to send through questions and receive answers. • The Planning Clerk can review the information and contact the applicant accordingly to guide them through the process.	

#	Metric
14	Date range municipalities initiated their formal pre-application process.
Result(s)	
1978 – 2021. - All dates provided for this question predate the proclamation of Bill 37.	

#	Metric
15	Percent of applications that receive some level of formal pre-support by municipalities.
Result(s)	
80% - 95%.	

#	Metric
16	Number of municipalities who have implemented an informal pre-application process.
Result(s)	
See chart below.	



#	Metric
17	Ways in which municipalities support applicants through an informal pre-application process.
Result(s)	
The following written insights were shared by municipalities: • Applicants are encouraged to meet with planning staff in-person. • Building inspectors, planning officers, and other staff are available daily by phone, email, and text and can meet as required with contractors and the public. • Municipal staff provide applicants with relevant regulations, legislation, and rules to follow in submitting their applications. • Online and localized resources (e.g., guides, FAQs, site visit requests, and other information). • Open door policy available to all planners, developers, builders, and contractors. • As required site visits to provide applicants with additional guidance. • Application preparation supports (e.g., forms, documentation, fee estimates) including informal application review.	

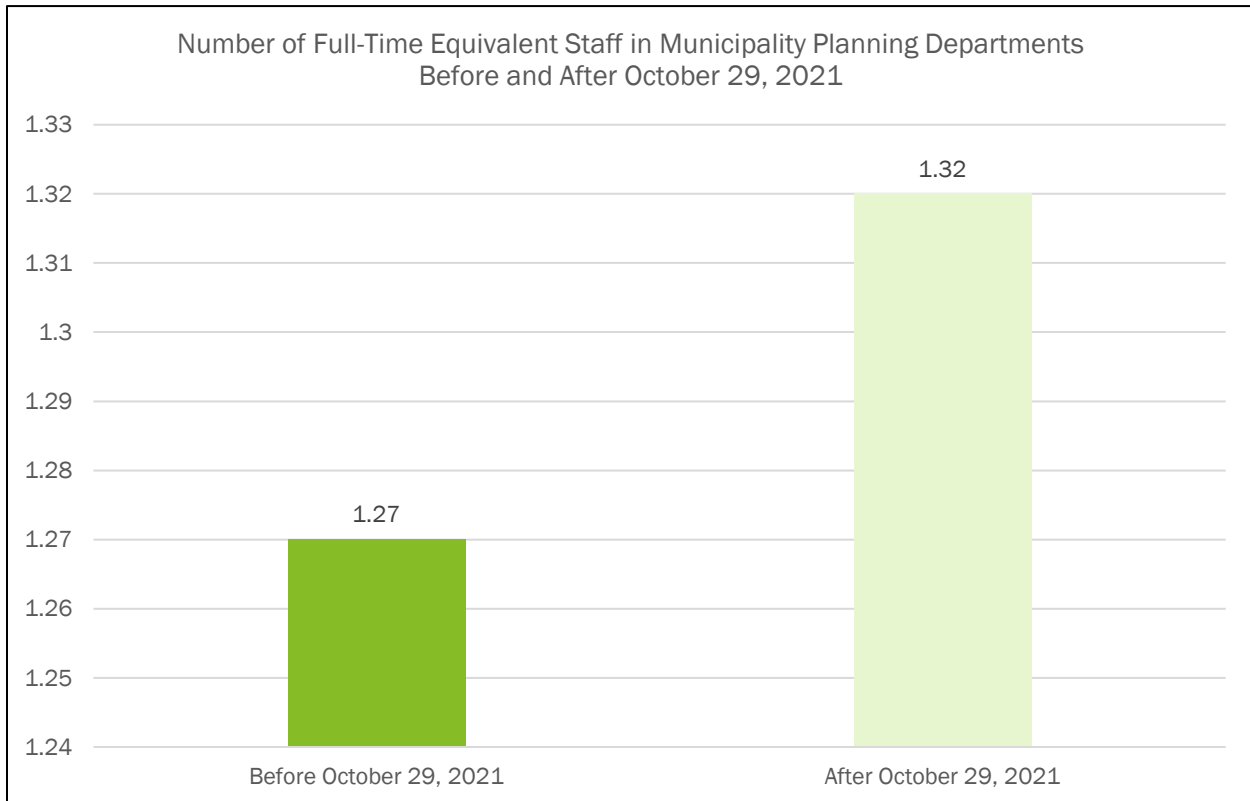
#	Metric
18	Date range municipalities initiated their informal pre-application process.
Result(s)	
• 1950 – 2019 • All dates provided for this question predate the proclamation of Bill 37.	

#	Metric
19	Percent of applications that receive some level of informal pre-support by municipalities.
Result(s)	
• 33% - 100%	

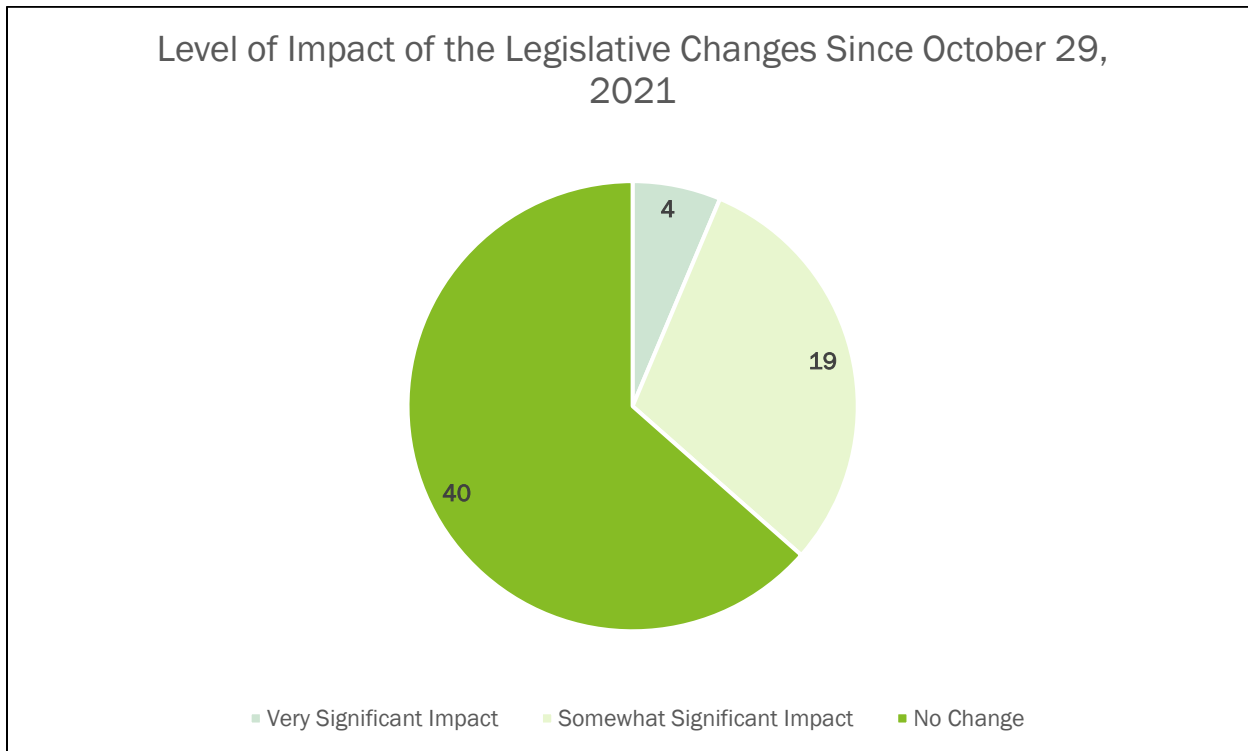
#	Metric
20	Type of costs incurred by municipalities have undergone in processing any appeals before The Municipal Board.
Result(s)	
• Staff time. • Venues for public hearing. • Council time. • Legal fees.	

#	Metric
21	Number of municipalities with an assigned or designated budget for appeal costs.
Result(s)	
• 1 municipality who completed the survey has an assigned or designated budget for appeal costs. • 62 municipalities who completed the survey do not have an assigned or designated budget for appeal costs.	

#	Metric
22	Number of full-time-equivalent staff in municipality planning department's before and after October 29, 2021.
Result(s)	
See chart below.	



#	Metric
23	Level of impact municipalities have undergone through changes made to the legislation within review scope after October 29, 2021.
Result(s)	
See chart below.	



#	Metric
24	Insights, observations, and other feedback on how municipalities may have been impacted by the legislation within review scope after October 29, 2021.
Result(s)	
The following written insights were shared by municipalities: - No change. - Tighter deadlines. - No change in operation, however, observed increases in time and effort to complete all required documentation. - Elevated costs and risks to appeals.	

Appendix F:
Statutory Review of Planning Legislation
Summary of areas for clarification received from participants with Act, Section, Clause and Regulation reference

This document summarizes all specific legislation and supporting regulations as they were identified by participants throughout the course of the review.

The review scope did not include detailed analysis of the identified clauses for accuracy or legislative intent.

It has been organized into two sections:

- Areas of legislation requiring clarification and interpretation
- Requests for change or refinement as identified by participants

Areas for clarification and interpretation

No.	Section	Description	Legislation
PLANNING ACT			
1.	s. 10.15(1) and (2) and Regulation 161/2022	TIMELINES: Challenges in aligning municipal budgeting processes with the statutory corporations' timelines	Annual budget for operations 10.15(1) A regional planning board must prepare an annual budget with respect to its operations and submit a copy of its budget to each regional member municipality and the minister. Fiscal year 10.15(2) The fiscal year of a planning region is the calendar year.
2.	s. 10.3 and s. 42	ALIGNMENT: Alignment of municipal plans with regional plan; concerns/uncertainty about which provisions of the regional plan are relevant for local applications;	Regional planning by-law 10.3(1) A regional planning board must prepare and adopt a regional plan within two years after the date the planning region is established. Requirements of development plan 42(1) A development plan must (a) set out the plans and policies of the planning district or municipality respecting its purposes and its physical, social, environmental and economic objectives; (b) through maps and statements of objectives, direct sustainable land use and development in the planning district or municipality; (c) set out measures for implementing the plan; and (d) include such other matters as the minister or the board or council considers advisable.
3.	s. 10.8(2)	TRANSITION: Concerns with transition provisions, inconsistencies and timeframes.	Three-year transition for by-laws 10.8(2) Within three years after its planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws to ensure that they are not inconsistent with the applicable regional planning by-law.
4.	Regulation 161/2022 s. 22(1) and (2)	PUBLIC HEARINGS: Challenges with definition of "public hearing" and having two public hearings – consider legal issues of voting procedure for two public hearings on same issue, confidence of information until vote, etc.	Public hearings 22(1) After first reading, the regional planning board must hold two or more public hearings in the capital planning region to receive representations from any person on the proposed regional planning by-law. 22(2) At least one of the public hearings must be held in the City of Winnipeg and one held in another regional member municipality.

No.	Section	Description	Legislation
5.	s. 124(3) and 126(2)	MINOR SUBDIVISION AND APPROVING AUTHORITY The role of the Approving Authority as decision maker under Subsection 126(2) of the Act is unclear as it relates to the approval process for minor subdivisions: Where Council is identified as the Approving Authority under Subsection 129(1.1) of the Planning Act, it is unclear if reference is being made to Council as final decision makers for minor subdivisions in general, or exclusively the Council of the City of Brandon which is the only Council defined as an Approving Authority as provided by Subsection 120.1(1) of the Planning Act.	Minor subdivisions 124(3) Upon receiving an application for a minor subdivision, the approving authority may, in accordance with the regulations and as an exception to subsection (2), (a) give conditional approval to the minor subdivision, subject to any conditions described in section 135 that the approving authority considers appropriate; and (b) send a copy of the application and the conditional approval to the council of the municipality in which the affected land is located. Review and approval of minor subdivisions 125.1(1) In respect of an application for a minor subdivision sent to the council under subsection 124(3) or (5), a council may (a) consider the application and decide, by resolution, to approve or reject it; or (b) as an exception to section 125, provide that the application is to be referred to a designated employee or officer of the municipality and authorize the employee or officer to approve the application. Effect of approval — minor subdivisions 125.1(4) A decision to approve an application for a minor subdivision is deemed to be a decision of the approving authority to give conditional approval to the minor subdivision under clause 126(2)(b). Notice of decision 125.1(7) The municipality must send a certified copy of its decision to the applicant, the approving authority and, where a board is the approving authority, to the minister. Decision of approving authority 126(2) After receiving notice of a decision under subsection 125(4) or 125.1(7), the approving authority must consider the application and do one of the following: (a) reject the application; (b) give conditional approval to the subdivision, subject to (i) any conditions specified by council under clause 125(1)(b), and (ii) any additional conditions described in section 135 that the approving authority considers appropriate. Right to appeal — when council is approving authority 129(1.1) If the council is the approving authority, an applicant or the minister may appeal a decision under section 125 or 125.1 to approve an application or to impose conditions on such an approval.
6.	s. 126(2) and Subdivision Reg s. 6	SUBDIVISION APPLICATION: If a Municipal Council rejects a subdivision application, is it still open to the approving authority to accept the application? Where Community Planning is the approving authority, my experience is that they consider their hands to be tied when a Council rejects an application (even where they have recommended approval). The Province will cite Section 7 of the subdivision regulation. The planning district's position is that any	Required rejection 7(1) If a council that is not an approving authority has made a resolution under <u>subsection 125(1) of the Act</u> rejecting the application, <u>the approving authority must reject the application.</u> Decision of approving authority 126(2) After receiving notice of a decision under subsection 125(4) or 125.1(7), the approving authority must consider the application and do one of the following: (a) reject the application; (b) give conditional approval to the subdivision, subject to (i) any conditions specified by council under <u>clause 125(1)(b)</u>, and (ii) any additional conditions described in <u>section 135</u> that the approving authority considers appropriate.

No.	Section	Description	Legislation
		restrictions on their ability to approve or reject the application must be dealt with explicitly in the legislation, not by regulation. Some planning districts have applied the legislation in this manner (eg: Planning District accepts application after Council rejection) In any event, there appears to be a divergence in how the Act and Regulations are being interpreted and applied by the approving authorities.	
7.	s. 151.0.3(1)	DEVELOPMENT AGREEMENT APPEALS: applicants may appeal development agreements (per s. 150) as a condition of amending a zoning by-law per approving a conditional use; but there is no opportunity to appeal development agreement as a requirement of a condition subdivision	Appeals re development agreement 151.0.3(1) An applicant may appeal the following to the Municipal Board: (a) in respect of a development agreement required under section 150, the terms and conditions to be included in such an agreement; (b) in respect of an application to amend a development agreement made under subsection 151.0.2(1), (i) a decision of a board or council to reject the application, or (ii) a decision of a board or council to require a new or varied condition in a development agreement.
8.	s. 42(1) Regulation 49/2016	DEADLINE TO FILE NOTICE OF APPEAL: IPSPA has 30 days to appeal. All other matters eligible for appeal to the Board have 14 day deadlines.	42(1) An applicant or municipality that receives notice of a decision under subsection 39(2) or 40(3) may appeal the decision to the Municipal Board by sending a notice of appeal to the Municipal Board within 30 days after receiving the notice.
9.	s. 15(3) Regulation 49/2016	DISCRETIONARY DEADLINES: No other sections provide discretion to timelines.	15(3) The Municipal Board is to submit its report to the minister within 30 days after holding its hearing, but on request the minister may extend the 30 day period.
10.		Inconsistency between Charter & Planning Act:	(a) Subdivisions appeals under the Planning Act are subject to a 30 day order deadline; Subdivisions appeals under the Charter are subject to a 60 day order deadline (b) Notice requirements for various types of planning matters; The requirement for the Board to publish a notice of hearing on a website available to the public is not found for all planning matters (eg. conditional uses under the Planning Act – aggregate quarry large scale livestock) (c) Lack of consistency in defined planning terms depending on the legislation eg. applicant v appellant, zoning agreements v development agreements, eligible voters v voters etc. (d) A zoning referral (citizen objections) under the Planning Act will result in a Board Decision and Order (Board is the final decision-maker); A zoning referral (citizen objections) under the Charter will result in a Board Report and Recommendation (CoW Council is the final decision-maker)

No.	Section	Description	Legislation
			(e) A subdivision appeal under the Planning Act is not subject to the 120 day deadline for hearing completion; A subdivision appeal under the Charter is subject to the 120 day deadline for hearing completion (f) Clarity for implementation of Municipal Board Orders
CHARTER			
11.	s. 234	SECONDARY PLANS: Confirmation that the rules for Secondary Plans only apply in instances where there is a 'designated application.' Section 234 is largely unclear.	By-law for submission of secondary plans 234.2(1) Council may by by-law establish criteria for determining when, in respect of a designated application, an owner of real property must prepare and submit a proposed secondary plan to the city. Failure to make determination in timely manner 234.3(2) In respect of a designated application, the city must not require a proposed secondary plan to be submitted by the owner of real property if the designated employee fails to give notice within the time period specified in subsection (1).
12.	s. 234.2(1)	LANDOWNER: Clarify the requirement that a landowner must prepare a secondary plan in respect of a 'designated application' is a necessary clause to include in the Charter.	By-law for submission of secondary plans 234.2(1) Council may by by-law establish criteria for determining when, in respect of a designated application, an owner of real property must prepare and submit a proposed secondary plan to the city.
13.	s. 234(1) and 234.7(2)	DEFINITION OF SECONDARY PLANS: Clarify the definition of Secondary Plans vs. Secondary Plan By-laws, which are used interchangeably and sometimes includes amendments.	"secondary plan" means a land use plan for a specific neighbourhood, district or area of the city adopted under subsection 234.7(2); Initiation of new or amended secondary plan 234.7(2) The adoption of, or amendment to, a secondary plan may be initiated by (a) council; or (b) an application filed with a designated employee by an owner of real property. "secondary plan by-law" means a by-law passed under Part 6 (a) to adopt, re-adopt, replace or amend a secondary plan, or (b) to amend a by-law referred to in clause (a); Council Adoption of secondary plans 234(1) Council may by by-law adopt a secondary plan to provide such objectives and actions as council considers necessary or advisable to address, in a neighbourhood, district or area of the city, any matter within a sphere of authority of the city, including, without limitation, any matter (a) dealt with in Plan Winnipeg; or pertaining to economic development or the enhancement or special protection of heritage resources or sensitive lands.
14.	s. 236.1(8)(c)	ZONING: Subsection 236.1(8)(c) of the Charter, the provision requires the Board to submit its Report and Recommendations in respect of the proposed by-law to Council but does not provide any further details on what must be contained in the Report to Council	Hearing by Municipal Board 236.1(8) If a proposed zoning by-law is referred to The Municipal Board, the board must (a) subject to subsection 24(3.2) of <i>The Municipal Board Act</i>, conduct a hearing respecting the proposed by-law within 120 days after the by-law being referred to it; (b) at least 14 days before the hearing, give notice of a hearing respecting the proposed by-law in accordance with clause 230(1)(a) (hearing by Municipal Board), which applies, with necessary changes, and by publishing a notice of the hearing on a website available to the public; and

No.	Section	Description	Legislation
		At Subsection 280(1) of the Charter, subparagraphs (a) through (d) expressly sets out the type of recommendations and information that must be contained in the Report to Council Combined subject matter in by-laws that are appealed and/or referred (ie. Zoning amendments and subdivision approvals) can lead to overly complicated files wherein only one matter is appealable to the Board or where the outcome of one being contingent on the outcome of the other, creates the potential for confusion and/or delay	(c) within 60 days after conducting the hearing, submit a report, with recommendations, to council in respect of the proposed by-law. Recommendations by hearing body 280(1) Where a hearing body conducts a hearing under this Part for the purpose of making a recommendation to council respecting a proposed by-law or an application, the hearing body must, within 30 days after completing the hearing, or such further time as council may allow, prepare and submit to council a report containing (a) a summary of the submissions made at the hearing; (b) the recommendation of the body that council approve, reject, or approve with conditions, the proposed by-law or application; (c) the reasons for the recommendation; and (d) such other information as council may require.
15.	s. 236.1(9) and s. 270(3)	RECOMMENDATION VS. ORDER (wording of decision from Municipal Board)	Restrictions on adoption of by-law 236.1(9) Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law. Restriction on adoption of by-law 270(3) Council must not pass a proposed secondary plan by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.
16.	s. 236.1(7) and s. 270(1)	AIRPORT VACINITY PROTECTION AREA (AVPA) REFERRAL MATTERS/CITY OF WINNIPEG: Lack of clarity and potential confusion/conflict if the Board received multiple referrals for lands in the AVPA eg. A zoning referral (citizen objections) under subsection 236.1(7) of the Charter and a zoning referral by one of the objectors listed in subsection 270(1) of the Charter. The latter would trigger a completely different section of the Charter (Division 3) with its own requirements re: notices and decision. Cross-application appears to be founded in subsection 272 of the Charter which states that Section 270 applies with necessary changes to every proposed zoning by-law, application for subdivision approval or amendment affecting real property in the AVPA	Referral to Municipal Board 236.1(7) If the city receives sufficient objections within 14 days after the day the notice is given, the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board. Referral to Municipal Board 270(1) Where (a) a proposed secondary plan by-law deals with the airport vicinity protection area; and (b) a municipality, or the board of a planning region or planning district established under The Planning Act, that is adjacent to the area, or the Government of Canada or the Government of Manitoba objects to the proposed by-law by filing a notice of objection with the city clerk before the day of the meeting at which council is to consider the report of a committee of council or planning commission respecting the proposed by-law; the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.

No.	Section	Description	Legislation
17.	s. 246(1.1) and 275(1.1)	NO REMEDY: no remedy included in <i>the Charter</i> for when a designated employee does not determine if an application is complete within 20 days. What is deemed a complete application? Guidelines or further definition?	Application for development permit 246(1.1) In respect of an application for a development permit to which this section relates, (a) the city must send the owner of real property confirmation of the date that the city received the application; and (b) a designated employee must, within 20 days after the application is received, determine if the application is complete. Development application process 275(1.1) In respect of an application under subsection (1), (a) the city must send the owner of the real property confirmation of the date that the city received the application; and a designated employee must, within 20 days after the application is received, determine if the application is complete.
18.	s. 275(2)	REJECTED/REFUSED: Applications that were 'rejected' cannot be 'refused' if received again within a year. Applications that are 'refused,' may continue to be 'refused.'	Refusal of applications 275(2) If, in the opinion of a designated employee, an application made under subsection (1) (a) does not conform with the regional planning by-law of the Capital Planning Region, the development plan or a secondary plan for the area in which the real property to which it relates is situated, the application must be refused without a hearing; or (b) is the same or substantially similar to an earlier application that was refused within one year before the day that the new application is made, the application may be refused without a hearing.
19.	s. 280(1)	DISCRETIONARY DEADLINES: No other sections provide discretion to timelines.	Zoning Referrals: under the Charter after concluding the hearing, the Board must submit Report with Recommendations to Council within 60 days (s.236.1(8)(c)); subsection 280(1) of the Charter hearing bodies which includes the Board must submit their Report and Recommendations to Council within 30 days of completing the hearing, or such other time as Council may allow. Hearing by Municipal Board 236.1(8) If a proposed zoning by-law is referred to The Municipal Board, the board must (c) within 60 days after conducting the hearing, submit a report, with recommendations, to council in respect of the proposed by-law. Recommendations by hearing body 280(1) Where a hearing body conducts a hearing under this Part for the purpose of making a recommendation to council respecting a proposed by-law or an application, the hearing body must, within 30 days after completing the hearing, or such further time as council may allow, prepare and submit to council a report containing (a) a summary of the submissions made at the hearing; (b) the recommendation of the body that council approve, reject, or approve with conditions, the proposed by-law or application; (c) the reasons for the recommendation; and (d) such other information as council may require.

No.	Section	Description	Legislation
20.	s. 282.1(7)	CLARIFICATION OF POWERS: Clarification that the Municipal Board may only made a decision that the designated employee could have made. Eg: if a refused application is sent to Municipal Board, the Municipal Board can only order that the application be received, not approved, by Council. Eg: , the Municipal Board may require that the proposed secondary plan application be accepted; and not that the proposed secondary plan application be approved (which is a decision that is made by Council).	Appeals 234.6 A determination of a designated employee under clause 234.3(1)(a) or subclause 234.4(1)(b)(i) may be appealed to The Municipal Board in accordance with section 282.1. Appeal of decisions 282.1(1) The owner of real property to which an application under this Part relates may appeal the following decisions to The Municipal Board: (a) the rejection of (i) an application respecting a secondary plan by-law or a zoning by-law, or (ii) an application to approve a plan of subdivision (b) the rejection of an application to amend a development agreement; (c) the rejection of an application for consent to registration or filing of a conveyance; (d) a decision to impose conditions on the approval of an application referred to in clauses (a) or (b); (d.1) a decision to refuse an application for a development permit for a proposed development as not conforming to the development plan by-law, a secondary plan by-law or a zoning by-law; (d.2) a decision to refuse an application for a development permit for a proposed development as not conforming to the regional planning by-law of the Capital Planning Region; (e) [not proclaimed, but repealed by S.M. 2022, c. 27, s. 57] (f) a decision or determination of a designated employee that an application is incomplete under the following provisions or otherwise: (i) clause 234.3(1)(a), (ii) clause 234.4(1)(b), Decision of Municipal Board 282.1(7) The Municipal Board must, by order, either dismiss the appeal or make any decision that council, the committee of council, the planning commission or the employee designated to deal with the matter could have made.

Requests for change or refinement identified by participants

PLANNING ACT			
1.	Planning Act/Charter	TIMEFRAMES: timeframes for application and approval process. Challenges in meeting timelines, especially for complex applications.	
2.	Planning Act	DESIGNATED EMPLOYEE: inconsistencies in the interpretation of designated employee authority across municipalities	

3.	s. 174.1 of Planning Act	REASONS: Requirement for councils to provide reasons for decisions	Reasons to be provided 174.1 A regional planning board, a board, a council, a planning commission or a designated employee or officer must ensure that written reasons accompany the following decisions: (a) a decision to resolve not to adopt a development plan by-law, secondary plan by-law or a zoning by-law, including a decision not to adopt an amendment to any of them, on application made by an owner of the affected property; (b) a decision to reject an application for a conditional use; (c) a decision to reject an application for subdivision approval.
4.	Division 2 of Planning Act	WMR: Regional planning board formation and governance; challenges in aligning municipal budgeting processes with the statutory corporation's timelines	
5.	Division 2 of Planning Act	WMR: Exemption process for municipalities from regional plans	
6.	Planning Act	DEVELOPMENT AGREEMENT: Development agreement timelines and enforcement; concerns about development agreement timelines and the back-and-forth required in negotiations	
7.	Planning Act	SERVICE TIMELINES: Provisions for extending service standard timelines	
8.	Planning Act	PROVINCIAL COMMENTS: Challenges with receiving provincial comments after public hearings	
9.	Planning Act	CIRCULATION OF APPLICATIONS: concerns about the 20-day timeline for providing comments, noting it's often insufficient for thorough review	
10.	Planning Act	PLUPS: challenges in ensuring compliance with provincial land use policies, particularly for wetlands and agricultural lands	

11.	Planning Act	DEVELOPMENT PLANS: the need for clearer guidelines on addressing environmental concerns in development plans	
12.	Planning Act	ZONING BY-LAW: the importance of considering highway regulations in zoning by-laws	
13.	Planning Act	APPROVAL PROCESS: challenges in reviewing drainage aspects of subdivision proposals within given timeframes; need for assessing heritage resources in subdivision approvals	
14.	Part 7 of Planning Act	CONDITIONAL USE: the importance of considering regulatory compliance in conditional use approvals	
15.	Division 2 of Planning Act	WMR: Conflict of interest rules for board members	
16.	Planning Act	MUNICIPAL BOARD: Procedural clarity for implementing Municipal Board orders; inconsistencies in the implementation of Municipal Board decisions across municipalities; clarification on implementing Municipal Board-ordered changes	
17.	Planning Act	DATA: better data collection and reporting mechanisms to inform policy decisions	
18.	MBA	FILING: allowing electronic filing of documents and improving document management systems	
19.		MUNICIPAL BOARD: concerns about the inconsistency in Municipal Board hearings and the elevated legal environment of appeals; the Municipal Board overstepping its quasi-judicial role; Appeal process and the Municipal Board's role	
20.	Planning Act and Charter	ROLES AND RESPONSABILITIES: Clarification of roles and responsibilities; clearer delineation of roles between elected officials and administrative staff in the planning process; inconsistencies in the interpretation of roles and responsibilities between provincial and municipal authorities	
21.	Planning Act and Charter	TIMELINES FOR DECISION MAKING AND APPEALS: more realistic timelines for complex applications and appeals; concerns about the feasibility of meeting legislated timelines, especially for complex applications	

22.	Charter/MBA s. 236.1(1) and (7) and s. 282.1	MUNICIPAL BOARD: Remove the ability for applicants and/or landowners to appeal Council decisions to the Municipal Board. Do not support an unelected Board making decisions on matters for which final decision-making authority currently rests with an elected Council. Clarify that Municipal Board may only make a decision that the designated employee could have made. That is, the Municipal Board may require that the proposed secondary plan application be accepted; and not that the proposed secondary plan application be approved (which is a decision that is made by Council).	Interpretation: when are objections sufficient? 236.1(1) To be sufficient for the purpose of this section, (a) in the case of a proposed zoning by-law, objections must be received from at least 25 voters; or (b) in the case of a proposed by-law that amends a zoning by-law, objections must be received from at least (i) 25 voters, or (ii) 50% of the total number of registered owners of land located within 100 metres of the real property affected by the by-law Referral to Municipal Board 236.1(7) If the city receives sufficient objections within 14 days after the day the notice is given, the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board Appeal of decisions 282.1(1) The owner of real property to which an application under this Part relates may appeal the following decisions to The Municipal Board: (e) the rejection of (i) an application respecting a secondary plan by-law or a zoning by-law, or (ii) an application to approve a plan of subdivision; (f) the rejection of an application to amend a development agreement; (g) the rejection of an application for consent to registration or filing of a conveyance; (h) a decision to impose conditions on the approval of an application referred to in clauses (a) or (b);
-----	---	--	---

			(d.1) a decision to refuse an application for a development permit for a proposed development as not conforming to the development plan by-law, a secondary plan by-law or a zoning by-law; (d.2) a decision to refuse an application for a development permit for a proposed development as not conforming to the regional planning by-law of the Capital Planning Region; (g) [not proclaimed, but repealed by S.M. 2022, c. 27, s. 57] (h) a decision or determination of a designated employee that an application is incomplete under the following provisions or otherwise: (i) clause 234.3(1)(a), (ii) clause 234.4(1)(b), subsection 275(1.3).
23.	Charter/MBA s. 236.1(1-and (7)	MUNICIPAL BOARD – Remove the ability for Municipal Board hearings to be triggered by objections from residents.	Ibid.
24.	Charter/MBA s. 236.1(1-and (7)	MUNICIPAL BOARD – 25 voter threshold for sufficient objections is too low and needs to be increased. In a metropolitan context like Winnipeg particularly given the affordable housing crisis, this should be a 500-person voter threshold.	Ibid.
25.	Charter/MBA s. 282.2(4)	MUNICIPAL BOARD – The City needs the ability to recover costs of legislated referrals (i.e. advertising, venue, materials, staff time).	Costs on appeal re failing to proceed 282.2(4) If, in respect of an appeal under this section, The Municipal Board is satisfied that there was an unreasonable delay by the city in dealing with the appellant's application, the Board may make an order requiring the city to pay some or all of (a) the costs incurred by the Board in hearing the appeal; and the appellant's reasonable costs related to the appeal.
26.	Charter/MBA	MUNICIPAL BOARD – Material for Hearings must be printed. Printing is expensive and cumbersome. A mechanism is required to allow for electronic submissions instead of printed submissions.	

27.	Charter/MBA	MUNICIPAL BOARD – Clarity required to determine who has standing at a Municipal Board Hearing.	
28.	Charter	PRE-APPLICATION PROCESS: the importance of pre-application reviews in fostering collaboration between developers and municipalities	
29.	Charter	NOTICE: Notification requirements for hearings and decisions; updating notification methods to include electronic means	
30.	Charter	PETITION AND VERIFICATION: clearer guidelines for petition requirements and verification processes	
31.	s. 282.1 and 282.2 of Charter	ELIGIBILITY: Voter eligibility criteria for appeals; clarifying voter eligibility criteria for appeals and petitions	
32.	Charter	NOTICES: issues with public hearing notice requirements and suggested more flexibility	
33.	Charter (un-proclaimed)	The City requires the ability to place development agreements on permits as per the un-proclaimed sections of Bill 37.	Yet to be proclaimed: Development agreement for a permit 240.1.1(1) As a condition of issuing a permit that authorizes the following developments, the city may require the owner of real property affected by the application to enter into a development agreement with the city respecting the development and any adjacent real property owned or leased by the owner: (a) a prescribed major development; (b) a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting,

			sidewalks or traffic control works.
34.	Charter s. 282.2(4)	The City would like to ensure that the ability to place development agreements on Conditional Uses and Variances remains in effect.	Costs on appeal re failing to proceed 282.2(4) If, in respect of an appeal under this section, The Municipal Board is satisfied that there was an unreasonable delay by the city in dealing with the appellant's application, the Board may make an order requiring the city to pay some or all of (a) the costs incurred by the Board in hearing the appeal; and the appellant's reasonable costs related to the appeal.
35.		Reword the requirement for the Zoning By-law to be consistent with OurWinnipeg and Secondary Plans. As worded, up-zoning of properties is required. Remove or reword to apply only to applications to re-zone. <u>Issue:</u> Zoning BL must be consistent with OurWinnipeg and Secondary Plans. Prior to Bill 37/34, it was just zoning by-law amendment applications that were required to be consistent with secondary plans and OurWinnipeg. This made sense as re-zoning proposals were evaluated against the policies of the relevant secondary plans and/or OurWinnipeg. This also aligned with the fact that Secondary Plans and OurWinnipeg are policy documents which provide a vision of future conditions, objectives regarding how that vision will be realized and policies which support the objectives. Policy Areas contained in these plans provide direction for future development; which may not reflect current land uses. The way section 236(1.1) is worded implies the zoning by-laws (200/06 and 100/04) would need to be immediately made consistent with the Secondary Plans and OurWinnipeg. This requires 'up-zoning' properties throughout the City to align with secondary plan policy areas and sterilizes the very function and purpose of a secondary plan. Up-zoning would preclude the City from requiring building permits	General requirements 236(1.1) A zoning by-law must be consistent with the development plan by-law and any applicable secondary plan by-law.

		If section 236(1.1) is meant to refer only to Zoning By-law Amendments, then this section is redundant as section 275(2)(a) already addresses this requirement by requiring applications for zoning by-law amendments to conform with OurWinnipeg and any applicable secondary plans. Refusal of applications 275(2) If, in the opinion of a designated employee, an application made under subsection (1) (a) does not conform with the regional planning by-law of the Capital Planning Region, the development plan or a secondary plan for the area in which the real property to which it relates is situated, the application must be refused without a hearing; or The requirement for the Zoning By-laws (as opposed to Zoning By-law amendments) to be consistent with secondary plans and OurWinnipeg appears to be intentional. Section 236(1.1) needs to be removed entirely to avoid the City having to up-zone all properties to conform with secondary plans and OurWinnipeg.	
36.	Charter s. 234.2(2)	Assuming that the City requires an applicant of a 'designated application' to submit a secondary plan if the applicant isn't told within 20 days, then a secondary plan can no longer be required. Clarity is required as to whether this applies universally to all lands in the intended Plan Area, or only to the lands subject to the active application. If the 20-day notification timeline is exceeded for a 'designated application', then a secondary plan can no longer be required. An administrative timeline should not take precedence over proper land use planning. This is an odd remedy as secondary plans are required in order to ensure that development occurs in a logical manner with adequate infrastructure. Missing a 20-day timeline on an application should not result in nullifying the requirement for a secondary plan for an entire area of the city.	Failure to make determination in timely manner 234.3(2) In respect of a designated application, the city must not require a proposed secondary plan to be submitted by the owner of real property if the designated employee fails to give notice within the time period specified in subsection (1).

37.	Charter s. 234.7(2)	Reconsider the ability for landowners to apply for secondary plans, as opposed to just amendments.	Initiation of new or amended secondary plan 234.7(2) The adoption of, or amendment to, a secondary plan may be initiated by (a) council; or (b) an application filed with a designated employee by an owner of real property.
38.	Charter s. 234(1) s. 234.7(2)	There is no clear mechanism to repeal a Secondary Plan. This section does not speak to who may initiate a repeal of a secondary plan by-law.	Ibid.
39.	s. 282.2(3)	There is either a typo or a grammar error that needs to be correct in section 282.2(3). <i>An appeal may be commenced... ..applies to an appeal.</i>	Filing an appeal 282.2(3) An appeal may be commenced at any time within 14 days after the expiry of the applicable time period determined under subsection (1), (1.1), (1.2) or (2), and section 282.1, except subsection 282.1(3), applies to an appeal.
40.	Misc.	Clarify that 'Days' refers to 'Business Days' and not calendar days.	
41.	Charter Misc.	Clarify that an applicant of a zoning by-law amendment does not have the ability to appeal changes made by Council at First Reading.	
42.	Charter Misc.	There is no remedy included in <i>the Charter</i> for when a designated employee does not determine if an application is complete within 20 days.	
43.	Charter Misc.	Processing timelines do not accommodate Council prorogue or election blackout periods. Consider: • 90 days for approval of a development agreement • 150 days for Council to approve a subdivision • 150 days to get secondary plan to Council	
44.	Charter Misc.	Clarify the definition of Secondary Plans vs. Secondary Plan By-laws, which are used interchangeably and sometimes includes amendments.	
45.	Charter Misc.	Clarify that the proposal timelines begin ' <i>...after the application is deemed to be complete by the City</i> ', and not when the application was submitted by the applicant. This clarity is required to ensure	

		consistent interpretation between the City, applicants and the Province.	
46.	Charter Misc.	The requirement to process building permits and development permits separately in order to meet Provincial timeframes potentially lengthens the process and makes it more onerous.	
47.	Charter/ Planning Act	CASE MANAGEMENT: needed once matters are appealed	
48.	Misc.	Subdivision Approval Process for Bare Land Condominium Bring clarification to Land Titles Office (Teranet) through amendment to Real Property Act (to be more specific with section 17 of the Condominium Act)	
49.	Charter/ Planning Act	Neither Bill (34 and 37) refers to RRM land rights or claims, which suggests that they have not been considered in the drafting of the Bills	
50.	Charter/ Planning Act	There is no mention of a full, proper, and meaningful consultation process with Indigenous communities prior, during, or after planning as it relates to the Bills	
51.	Charter/ Planning Act	Both Bills contain provisions that may require RRM Citizens to enter into agreements that would affect their land rights	
52.	Charter s. 234.2(3)	Winnipeg must ensure that RRM Citizens have equitable access to registered professional planners	Preparation of plan 234.2(3) An owner of real property must ensure that (a) the proposed secondary plan is prepared with the assistance of an individual who is a registered professional planner within the meaning of <i>The <u>Registered Professional Planners Act</u></i>;
53.	Charter s. 277(1)	RRM Citizens have limited access to newspapers. When a hearing takes place regarding a project with the potential to affect the rights, interests, and claims of the RRM, Winnipeg must notify the MMF.	Notices of hearings 277(1) Unless otherwise provided, where under this Part a notice of a hearing is required to be given, (a) the notice must be given (i) by publishing the notice of the hearing in one issue of a newspaper on two occasions at least 6 days

			apart during the period beginning 40 days before the hearing and ending 7 days before the hearing, or
54.	Charter s. 226(3.0.1)	Council must undertake a consultation with the MMF on behalf of its citizens whenever there are proposed development plans which have the potential to affect the rights, interests, or claims of the RRM.	Consultation with minister and region 226(3.0.1) On beginning a review of the development plan, council must consult with the Capital Planning Region, the minister and any other person or organization designated by the minister.
55.	Planning Act s. 9(2)	The Minister must undertake a consultation with the MMP on behalf of its Citizens whenever there is an MML Local within a municipality which is proposed to be included in the planning region.	Considerations and consultations when forming planning region 9(2) In determining whether to establish a planning region, the minister must (a) have regard for (i) the economic and social integration of the region, and (ii) the need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of the region; and (b) consult with the council of each municipality proposed to be included in the planning region.
56.	Planning Act s. 10(2)	The proposal must also set out: d) How affected Indigenous Communities have been consulted	Content of proposal 10(2) A proposal must set out (a) the municipalities that are to be included in the region; (b) the boundaries of the proposed region; and (c) the reasons why the proposal meets the criteria under subsection 9(1).
57.	Planning Act s. 10(3)	There is no mention of consulting with RRM when a proposal is refer to the board, rather it is solely based on notifying the public. Consultation with MMF must occur prior to moving forward with a proposal that has the potential to affect the tights, interest, or claims of the RRM.	Consultation and hearing 10(3) After a proposal has been referred, the Municipal Board must (a) hold public hearings in at least two locations in the region to receive representations on the proposed planning region; and (b) give public notice of the hearings in accordance with section 168.
58.	Planning Act s. 10.2(3)	If Manitoba plans to expropriate land belonging to RRM, they must undertake a full, proper, and meaningful consultation with the MMF on behalf of its Citizens.	Real property may be acquired by expropriation 10.2(3) The acquisition of real property under clause (2)(a) may be by expropriation.

59.	Planning Act s. 59(2.1)	The Board/Council must undertake a consultation with the MMF on behalf of its Citizens when reviewing a development plan that has the potential to affect the rights, interests, or claims of the RRM	Consultation with minister and region 59(2.1) As part of a review of its development plan, a board or council must consult with any applicable planning region, the minister and any other person or organization designated by the minister.
60.	Planning Act s. 149.1	The Board/Council must undertake a consultation with MMF on behalf of its Citizens prior to requiring RRM property owners to enter into a development agreement.	Not yet proclaimed (Obligation to enter into a development agreement)

Appendix G: Planning appeal structures and authorities in other jurisdictions - October 22, 2024 v2

	Days to Appeal of Decision Council	Automatic Objector	Who can appeal	Appealable Issues (Issues that are appealable)	Appeals <i>de novo</i> (in relation to the issue)	Dispute Resolution Mechanism	Timeline to Issue Decision	Authority to Make Decision for Council	Power of Tribunal (Types of Order)	Published Written Decisions
Manitoba	14-150 days ¹	Yes	<u>Planning Act</u> Applicant or minister unless it is a referral pursuant to sufficient objection.² <u>City of Winnipeg Charter</u> In Winnipeg appealable decisions are described as appealable by “the owner of real property” while a failure to decide is appealable by an applicant. Exception is noted for sufficient objectors³	No limits on appealable issues subject to requirements of standing <u>Planning Act</u> After 90 days of failing to act + within 14 days thereafter, the Applicant can appeal the following inaction: - Failure to hold a public hearing on a zoning by-law amendment - Failure to give second/third reading to a zoning by-law amendment - Failure to pass resolution with respect to a zoning by-law amendment - Failure to refer objections re: zoning by-law amendment to Municipal Board⁴ Denial of zoning by-law amendment appealable by Applicant within 14 days of refusal.⁵ Requirement of development agreement appealable by Applicant within 14 days after imposition of requirement.⁶ Decisions re: aggregate quarries and large-scale livestock operations appealable by Applicant within 14 days following decision.⁷ Decisions on subdivisions appealable subject to the following: - Failure to pass resolution (major) – 90 days + within 14 days following failure to act⁸ - Failure to pass resolution (minor) – 60 days + within 14 days following failure to act⁹ - Decision to reject or impose conditions on subdivision – 14 days after imposition¹⁰ Failure to issue a development permit (60-90 days).¹¹ Failure of parties to agree to terms and conditions of development agreement – 90 days + within 14 days of failure to act.¹² Decision to reject, require, or vary conditions of development agreement.¹³ Failure to refer objections to Municipal Board – 60 days.¹⁴ <u>City of Winnipeg Charter</u> Owner of real property can appeal the following within 14 days: - Rejection of a secondary plan or zoning application - An application to approve a plan of subdivision - Rejection of an application to amend a development agreement - Rejection of an application for consent to registration or filing of a conveyance - Decision to impose a condition on a secondary plan, zoning by-law, or development agreement - Decision to refuse an application for a development permit - For a decision or determination of a designated employee¹⁵ Appeals concerning failure to proceed: - Application on a secondary plan or zoning by-law – 150 days - Approval of subdivision where final decision is to be made by a designated employee - 60 days - All other approvals of subdivision – 150 days - Application to amend a development agreement – 90 days - Application for consent to registration of a conveyance – 90 days - Execution of a development agreement – 90 days¹⁶	Yes* *Subject to the prescribed statutory limits on appeal	No – Informal resolutions permitted¹⁷	<u>Planning Act</u> 30 to 60 days¹⁸ <u>City of Winnipeg Charter</u> 60 days¹⁹	Yes²⁰	- Grant the application in full - Grant application in part²¹	No

¹ *The Planning Act*, CCSM c P80, sections 82.1, 118.2(2), 129(3), 148, 149.2(1), 151.0.1(1) & *The City of Winnipeg Charter*, SM 2002, c 39 at sections 282(1)(3), 282.2(1).

² *Ibid* at sections 82.1, 118.2, 125(4.1), 125.3(1), 129(1), 149.2, and 151.0.3(1).

³ *The City of Winnipeg Charter*, SM 2002, c 39 at sections 236.1(7), 282.1(1), and 282.2(1)

	Days to Appeal of Decision of Council	Automatic Objector	Who can appeal	Appealable Issues (Issues that are appealable)	Appeals <i>de novo</i> (in relation to the issue)	Dispute Resolution Mechanism	Timeline to Issue Decision	Authority to Make Decision for Council	Power of Tribunal (Types of Order)	Published Written Decisions
Alberta	14-90 days ²²	No	Applicant or persons affected by the order ²³	<u>Subdivision Appeals</u> - School boards limited to: - Issues of allocation of municipal reserve and school reserve or money in place of the reserve - Location of school reserve allocated - Amount of school reserve or money in place of reserve²⁴ <u>Development Permits</u> - No appeal unless provisions in a land use bylaw was relaxed, varied, misinterpreted, or was a deemed refusal ²⁵ <u>Land Use (Zoning) Bylaw Amendments</u> - Hearing restricted to if proposed statutory plan or amendment is consistent with a license, permit, approval, or other authorization ²⁶	Yes ^{27*} *Subject to the prescribed statutory limits on appeal	None specified	15 to 30 days ²⁸	Yes ²⁹ *Subject to appealable issues	Order can do the following: - Confirm - Vary - Quash - Substitute ³⁰	Yes
Subdivision and Development Appeal Board (Alberta)	14-21 days ³¹	No	- Applicant - Government department - Municipal council - School board - Person affected* ³²	Decision must: - Have regard for statutory plan - Conform with use of land - Be consistent with land use policies - Have regard to subdivision and development regulations ³³	Yes ^{34*} *Subject to the prescribed statutory limits on appeal	None specified	15 days ³⁵	Yes *Subject to appealable issues	Order can do the following: - Confirm - Vary - Quash - Substitute ³⁶	Yes
Saskatchewan	30 days ³⁷	No	- Minister - Council - Appellant	<u>Development Standards</u> - Appeals limited to if standards or conditions exceed those necessary to secure objectives of zoning bylaw ³⁹	Discretionary ⁴³	Yes ⁴⁴	30 days ⁴⁵	Yes ⁴⁶	- Dismiss appeal - Confirm decision	Yes

⁴ *Ibid* at sections 82.1(2)-(3).

⁵ *Ibid* at section 82.1(3).

⁶ *Ibid* at section 82.1(3).

⁷ *Ibid* at section 118.2(2).

⁸ *Ibid* at sections 124(4.1) & 129(3).

⁹ *Ibid* at sections 125.3(1) & 129(3).

¹⁰ *Ibid* at section 129(3).

¹¹ *Ibid* at section 148 & 149.2(1).

¹² *Ibid* at section 151.0.1(1).

¹³ *Ibid* at section 151.0.3(3).

¹⁴ *Ibid* at section 82.1(2).

¹⁵ The City of Winnipeg Charter, SM 2002, c 39 at sections 282.1(1). Appeal re: designated employee limited per section 282.1(1)(f).

¹⁶ *Ibid* at section 282.2(1)

¹⁷ *The Municipal Board Act*, CCSM c M240 at section 24(3.1)

¹⁸ *The Planning Act*, CCSM c P80 at sections 82.1(9), 118.4(2), 131(2), 149.2(3). 151.0.3(8).

¹⁹ The City of Winnipeg Charter, SM 2002, c 39 at sections 282.1(9).

²⁰ *The Municipal Board Act*, CCSM c M240 at section 46(1).

²¹ *Ibid*.

²² *Municipal Government Act*, M26 RSA 2000, sections 321, 678(2), and 686(1); *Off-Site Levies Regulate*, AltaReg 187/2017 at s 11.

²³ *Municipal Government Act*, M26 RSA 2000, sections 321, 678, 685; *Off-Site Levies Regulate*, AltaReg 187/2017 at s 10(1); In other circumstances decisions can be appealed by a municipal council, government department, or school board.

²⁴ *Municipal Government Act*, M26 RSA 2000, section 678(1)

²⁵ *Ibid*, section 685(3), 686(1)(a)

²⁶ *Ibid*, section 619(7)

²⁷ *Land and Property Rights Tribunal Act*, SA 2020, c L-2.3 at section 16(2).

²⁸ *Municipal Government Act*, M26 RSA 2000, sections 619(6), 680(4), and 687(2).

²⁹ *Land and Property Rights Tribunal Act*, SA 2020, c L-2.3 at section 16(1).

³⁰ *Ibid*.

³¹ *Ibid* at section 678(2), 686(1)(a)

³² *Ibid* at section 678(1), 686(1); *Persons affected can only appeal development permits.

³³ *Ibid* at sections 680(2) and 687(3)

³⁴ chrome-extension://efaidnbmnnnibpcajpcgiclfefndmkaj/https://open.alberta.ca/dataset/7f2d5c6b-857e-4c82-95e0-9832d8c875d6/resource/39822582-1351-40e3-9f98-45b03ffe57c2/download/ma-lprt-sdab-training-members-clerks-guidebook-2023-02.pdf page 85

³⁵ *Municipal Government Act*, M26 RSA 2000, at section 678(2), 687(2)

³⁶ *Ibid* at sections 680(2) and 687(2).

³⁷ *Planning and Development Act*, 2007, SS 2007, c P-13.2 at sections 58(1), 60(11), 71(9), 72(10), 73(8), 86(1)(b)(2), 91(1), 176(2), 226, and 228(2).

³⁹ *Planning and Development Act*, 2007, SS 2007, c P-13.2 at sections 58(1)

⁴³ *Ibid* at section 227.1.

⁴⁴ *Ibid* at section 233.

⁴⁵ *Ibid* at section 225.

⁴⁶ *Ibid* at section 221(d).

	Days to Appeal of Council	Automatic Objector	Who can appeal	Appealable Issues (Issues that are appealable)	Appeals <i>de novo</i> (in relation to the issue)	Dispute Resolution Mechanism	Timeline to Issue Decision	Authority to Make Decision for Council	Power of Tribunal (Types of Order)	Published Written Decisions
			- Any person ³⁸	<u>Subdivision Appeals</u> - Limited to approvals, refusals, development standards, revocation, failure to enter into development agreement, producing information, and terms and conditions of agreements. ⁴⁰ <u>Development Levies/Service Agreements</u> - Restricted to issues of validity of cost, calculation, or if amount has already been paid. ⁴¹ - Questions of necessity, terms, and completeness ⁴²				*Subject to appealable issues	- Revoke approval/decision - Vary approval/decision - Make/substitute approval, decision, or condition it deems just ⁴⁷	
Development Appeal or District Development Appeal Board (Saskatchewan)	30 days ⁴⁸	No	Any person affected ⁴⁹	<u>Appealable Issues</u> - Misapplication of bylaw when issuing development permit ⁵⁰ - Wrongful refusal of development permit ⁵¹ - Excessive development standards/conditions ⁵² - Refusal to remove holding symbol ⁵³ - Refusal of demolition permit ⁵⁴ - Refusal or conditions in architectural control district ⁵⁵ - Revocation of minor variance ⁵⁶ - Enforcement orders ⁵⁷ - Site plan controls ⁵⁸ - Refusal of structural repair application ⁵⁹ - Service agreements and development levy agreements ⁶⁰ - Subdivision appeals ⁶¹ - Orders re: building maintenance bylaw ⁶²	Yes ⁶³ *Subject to the prescribed statutory limits on appeal	None specified	30 days ⁶⁴	Yes ⁶⁵ *Subject to appealable issues	- Dismiss appeal - Confirm decision - Revoke approval/decision - Vary approval/decision - Make/substitute approval, decision, or condition it deems just ⁶⁶	No

³⁸ *Ibid* at section 226; *Ibid* section 58 – only applicant has standing to appeal development standards.

⁴⁰ *Ibid* at section 228.

⁴¹ *Ibid* at section 176(2).

⁴² *Ibid* at section 176(4).

⁴⁷ *Ibid*.

⁴⁸ *Ibid* at sections 58(1), 60(10), 176(2), 219(4), and 228(2)

⁴⁹ *Ibid* at section 291(1)

⁵⁰ *Ibid* at section 219(1)(a)

⁵¹ *Ibid* at section 219(1)(b)

⁵² *Ibid* at section 58(1)

⁵³ *Ibid* at section 71(5)

⁵⁴ *Ibid* at section 72(7)

⁵⁵ *Ibid* at section 73(5)

⁵⁶ *Ibid* at section 60(10)

⁵⁷ *Ibid* at section 242

⁵⁸ *Ibid* at section 19(5)

⁵⁹ *Ibid* at section 91(2)

⁶⁰ *Ibid* at section 176

⁶¹ *Ibid* at section 228(1)

⁶² *Ibid* at section 61

⁶³ *Ibid* at section 223

⁶⁴ *Ibid* at section 225(1)

⁶⁵ *Ibid* at section 221(d)

⁶⁶ *Ibid* at section 221(d)

	Days to Appeal of Decision Council	Automatic Objector	Who can appeal	Appealable Issues (Issues that are appealable)	Appeals <i>de novo</i> (in relation to the issue)	Dispute Resolution Mechanism	Timeline to Issue Decision	Authority to Make Decision for Council	Power of Tribunal (Types of Order)	Published Written Decisions
Ontario	15–40 days ⁶⁷	No * Removed summer 2024	Context dependent, but can be: - Applicant - Person who made submissions to council - Public bodies that made submissions to council - Minister - Municipality ⁶⁸	<u>Amendment to Zoning Bylaw</u> - No appeals on second and third residential unit in detached, semi-detached, or rowhouse ⁶⁹ - No appeal on residential unit ancillary to detached house ⁷⁰ - No appeal lies with respect to parts of by-law that gives effect to inclusionary zoning policies ⁷¹ - No appeal on min/max densities/heights in protected major transit station area ⁷² <u>Subdivision Appeals</u> - No appeals on a decision or condition that gives effect to inclusionary zoning policies ⁷³ Other limits on OLT powers for non-zoning reasons. ⁷⁴	Yes ⁷⁵	Yes ⁷⁶	90 days (internal policy) ⁷⁷	Yes ⁷⁸ *Subject to appealable issues	- Dismiss appeal - Grant appeal - Substitute or vary conditions ⁷⁹	Yes

⁶⁷ *Planning Act*, 1990, c P. 13 at sections 33(15), 34(19), 37(13), 42(4.5), 45(12), 51(36), and 53(19).

⁶⁸ *Ibid* at sections 33(15), 34(19), 36(3)(3.1), 41(12)(12.0.1), 42(4.9), 45(12), 51(39), and 53(27).

⁶⁹ *Ibid* at section 34(19.1)(a)(b)

⁷⁰ *Ibid* at section 34(19.1)(c)

⁷¹ *Ibid* at section 34(19.3)

⁷² *Ibid* at section 34(19.5)

⁷³ *Ibid* at section 51(39.1)

⁷⁴ *Ibid* at sections 37(24) and 42(4.15)

⁷⁵ *Township of Oro-Medonte v Oro-Medonte Association of Responsible STRS*, 2024 ONSC 1676

⁷⁶ *Planning Act*, 1990, c P. 13 at sections 34(11.0.0)

⁷⁷ <https://olt.gov.on.ca/faqs/>

⁷⁸ *Supra* note 26 at sections 34(11)(14)(15)(26), 36(3), 37(23), 41(12.1), 42(4.15), 45(1)(2), 51(25)(31), and 53(4)(4.2.2)(12).

⁷⁹ *Ibid*. Note – the specific powers of the Ontario Land Tribunal are context dependent.

From: Borys, Hazel <HBorys@winnipeg.ca>

Sent: Friday, October 4, 2024 3:37 PM

To: Ian Shaw <ian.shaw@braidsolutions.com>; Rollins, Sherri <SRollins@winnipeg.ca>

Cc: greg dandewich <gregdandewich@gmail.com>; Jennifer Hanson <JSH@tdslaw.com>; Kelcey, Brian <BKelcey@winnipeg.ca>

Subject: Re: Statutory Review of Planning Legislation - Review Team Request for Feedback

Good afternoon. On September 26th, 2024, Council considered and approved a prioritized list of issues with recent legislative changes to the City of Winnipeg Charter Act ("the Charter") which can be found here: <https://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=25241&SectionId=&InitUrl=> (scroll to Item 4 of the Report of the Standing Policy Committee on Property and Development, including the detailed appendix). This constitutes our formal submission in writing. Thank you.

Hazel Borys (she/her)

Director

Office of the Director

Planning, Property & Development

City of Winnipeg

204-451-9788 c

204-986-8165 o

hborys@winnipeg.ca

winnipeg.ca

October 11, 2024

Mr. Ian Shaw
Braid Solutions
Sent via E-mail

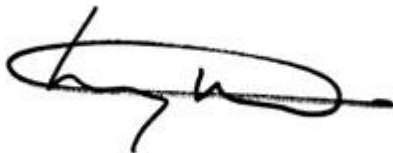
RE: UDI Manitoba's Response to the Review Team's Request for Feedback

Dear Mr. Shaw:

On behalf of Manitoba's residential construction and land development industries, thank you for the opportunity to participate in the stakeholder consultation as part of the legislative review of Manitoba's planning legislation. In the following pages, we have provided the feedback and recommendations that your review team had requested.

We hope our recommendations and commentary will be considered and we stand ready to continue assisting your review team and the provincial government as this review process concludes and amendments to Manitoba's planning legislation are identified and developed. We would be happy to meet with you at your convenience to provide further information if you have any questions regarding our responses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lanny McInnes', with a stylized, flowing script.

Lanny McInnes
President & CEO, MHBA
Executive Director, Urban Development Institute of Manitoba

UDI Manitoba's response to the Review Team's Questionnaire:

Do the initial thematic areas “work effectively” to organize and present the findings of this review?

Yes, the thematic areas appear to be appropriate.

Are there refinements that your organization would find helpful?

We would support having the report provide specific recommended changes/amendments proposed for each thematic area in addition to the commentary.

Can you order these themes in relative priority based on their importance to your organization?

We would recommend not prioritizing the themes as they are all important and require being addressed via legislative changes to our planning legislation.

Based on your organization's experience with the legislation to date, what approach do you feel is most appropriate for the provincial government to consider?

There will be a need to utilize the provided options below when addressing the shortcomings of the province's current planning legislation scheme.

- Refine current legislation with targeted improvements by focusing on strengths and areas for change identified during this review;
- Restructure current legislation to better capitalize on strengths and areas for change identified during this review; and
- Undertake a review and update of the Provincial Land Use Policies. Our industry would welcome the opportunity to participate in this new process.

What is your organization's perspective on the level of urgency for implementing improvements to the legislation?

We would recommend that the enabling legislation requires changes within 6 months, focused improvements in priority areas are required within 3 months. Taking the proper amount of time to make effective changes in a timely manner while minimizing unintended consequences would be more beneficial than rushing immediate changes forward.

What are your organization's recommendations for tactical improvements that could be initiated while the government considers its approach to legislative change?

We recommend that the Government take the time to properly review stakeholder feedback on both the proclaimed and unproclaimed sections of Manitoba's planning legislation before bringing forward proposed legislative changes. We recommend the Government engage stakeholders and receive their feedback on the proposed legislative changes before they are finalized and brought forward to the Legislature. We also recommend that a review and update of the Provincial Land Use Policies (PLUP) be undertaken by the province as part of this legislative review process.

Provide feedback on the legislative review consultation process including any feedback with a view to helping shape recommendations about future legislative review processes.

The process used for this legislative review to obtain substantive feedback from stakeholders and industry experts was very well done and appreciated by our members. This is a model that should be looked at for future similar reviews.

Specific Feedback and recommendations provided by UDI to Braid Solutions:

“Has the legislation achieved its intended outcomes for consistency, certainty, clarity to all stakeholders with respect to the development industry?”

No, in fact, the opposite has been true for the development industry. The changes to Manitoba’s planning legislation have created additional processes and roadblocks rather than streamlining processes and improving approval timelines.

Development Agreements on Permits:

Providing municipalities with the ability to implement development agreements on permits will take away even more development certainty. The result will be that no land is “shovel ready” for development. The ability for municipalities to implement development agreements on permits should only apply to land that is bulk zoned by a municipality providing additional development rights.

UDI provided proposed wording for the definition of “Major Development” directly to the Deputy Minister, Municipal and Northern Relations on June 14, 2024, via email and it is as follows:

Major Development - A development that is dependent on an increase or change in development rights resulting from a municipally led Zoning By-law amendment(s) that is/are intended to implement policies that support growth and change at major nodes and along major corridors as defined in the Municipality’s adopted Development Plan and/or Secondary Plan By-laws.

Appeals to the Municipal Board:

Our members have indicated that the concept of appeal is legitimate and is supported. How it has been enacted, however, has not worked well. We continue to be concerned that the Municipal Board has not been properly resourced for its added mandate.

The Municipal Board should be an appeal body, not a hearing body. If the Municipal Board hearing is a de novo hearing, then Council’s decision is irrelevant. This should not be the case. Municipal Council decisions should be identified and be important and should be the basis for all appeals.

Under the current legislation, 25 citizens have a “veto” for an automatic appeal to the Municipal Board. This empowers, rather than dissuades, frivolous appeals. Our recommendation is that in addition to increasing the threshold significantly, that other appeal criteria be added to ensure that appeals to the Municipal Board are legitimate and are not simply frivolous in nature.

Those criteria should include:

- All appellants must have participated directly in the municipal hearings process and have expressed what it is they are specifically objecting; and
- The appeal triggered by citizens must be based on a specific aspect of planning policy not being adhered to by the municipality in its decision.

No matter the body, the proper process and expertise on the body need to be correct.

Performance Standards:

Performance Standards apply only to a small portion of the entire development process and focused on the part that was generally the quickest and easiest. The introduction of performance standards has resulted in applications taking much longer than before.

The current legislation provides no real incentive or consequence for a municipality or the Municipal Board to meet the legislated timeframes.

The Municipal Board has no capacity or process in place to make a decision appealed due to timeframe not being met. This needs to be addressed and corrected.

Service Standards:

A “Complete” application is not defined within the planning legislation. As a result, this has been left open to a subjective interpretation by the individual at the municipality dealing with each application and, therefore, applications are typically deemed “incomplete”.

Reasons for an “incomplete” application are now routinely given to the applicant at the deadline, and then the clock starts over again for the municipality, rather than the municipality trying to assist an applicant in completing the application within the timeframe. The result is that applications take longer now than they did prior to the legislative changes.

The service standards don’t account for all aspects of a development application. Many aspects of a development application process take longer and add to the overall time for developments to be approved.

Regional Planning:

Manitoba’s planning legislation does not currently strike the correct balance between the authority of locally elected governments and the expectation of establishing a consistent approach to regional planning

Our members identified several shortcomings with the provincial government’s approach to implementing regional planning for the Winnipeg Metropolitan Region (WMR) during this review. When the Province established the WMR as a regional planning authority, it appears to have failed to give the

WMR sufficient direction in what was to be achieved by its regional plan. This resulted in the targets and minimums contained in Plan 2050 being “aspirational” rather than hard and fast.

We have outstanding questions to the provincial government regarding the direction the province wants to take on regional planning. They include:

- What are the clear objectives/outcomes the provincial government wants to achieve through regional planning?
- What is the incentive for municipalities to continue participating in the WMR?
- How would the Municipal Board evaluate Plan 2050 if 2nd reading was referred to it by the Minister and what would it be evaluated against?

UDI recommends that the Minister of Municipal and Northern Relations, not the Municipal Board, should determine changes or approval of Plan 2050 at this time. We also recommend that a review and update of the Provincial Land Use Policies (PLUP) be undertaken by the province. We would welcome the opportunity to participate in that process. Adding a section to the PLUPs to outline regional planning and what it is meant to achieve from a provincial perspective should be a key part of this review and update.

Members have also asked if annexation is a possibility being contemplated by the Province of Manitoba? Reviewing and adjusting the City of Winnipeg’s boundaries may be the most effective solution to addressing issues identified as reason for regional planning. Would the Province consider a Boundary Review Commission?



1910 Saskatchewan Avenue W.
Portage la Prairie, MB R1N 0P1
Ph: 204-857-8666
Email: amm@amm.mb.ca
www.amm.mb.ca

October 11, 2024

Ian Shaw and Greg Dandewich
Braid Solutions Inc.

Via email: ian.shaw@braidsolutions.com
gregdandewich@gmail.com

Re: Statutory Review of Planning Legislation – Request for Feedback

Dear Mr. Shaw and Mr. Dandewich,

On behalf of the Association of Manitoba Municipalities (AMM), thank you for your work to date conducting an independent review and facilitating stakeholder engagement regarding recent amendments to *The Planning Act* and *The City of Winnipeg Charter*. We also appreciate the consultations with our members thus far as well as this opportunity to provide additional feedback and a formal written submission as part of the Statutory Review of Planning Legislation.

Please see below for our responses to the seven questions posed to our organization:

Do the initial thematic areas “work effectively” to organize and present the findings of this review?

Yes – the AMM believes the initial thematic areas as outlined in the summary document ‘work effectively’ to organize and present the findings of this review. Overall, the initial theme summary document is comprehensive and thorough, and it is clear and easy to understand.

Since the introduction and passage of the planning legislative amendments, the AMM has been ringing the alarm on the following issues, but not limited to, the loss of autonomy for local decision-making, increased financial costs borne by municipalities due to an influx of appeals, outdated Municipal Board authorities and inappropriate scope of work, and the lack of a transparent mechanism for municipalities to participate or not in regional planning boards if they so choose coupled with uncertain governance frameworks and poorly defined processes.

The AMM fully agrees that the planning legislative changes have not fully achieved the intended goals of creating consistency, clarity, and certainty for stakeholders like municipalities, industry groups, and the public. We also fully agree that the overall implementation approach has not been well received while the implementation resourcing and supports from the Province were inadequate and did not match the scope of change requirements resulting from the legislative changes.

Are there refinements that your organization would find helpful?

We welcome the format and structure of the initial summary document and are looking forward to reviewing the proposed recommendations resulting from this independent review.

Can you order these themes in relative priority based on their importance to your organization?

1. Planning and development approval processes
2. Consistency, Clarity and Certainty in the legislation (Former Bills 34, 37, appeal provisions of former Bill 19)
3. Regional planning board formation and governance
4. Regional plan role, emphasis and adoption
5. Role of Municipal Board as appeal body for planning and development decisions
6. Effectiveness of Municipal Board processes for planning and development decisions
7. Implementation resourcing and supports
8. Balance of land owner rights and community interest in land development and planning decision making
9. Balance of Provincial interest/strategic assets/economic development and community interest in land development and planning decision making

Based on your organization's experience with the legislation to date, what approach do you feel is most appropriate for the provincial government to consider?

- Refine current legislation with targeted improvements by focusing on strengths and areas for change identified during this review
- Restructure current legislation to better capitalize on strengths and areas for change identified during this review
- Define a new legislative framework that better reflects the core concepts informing the legislation
- Return to the previous legislative framework
- Another approach (please describe)

What is your organization's perspective on the level of urgency for implementing improvements to the legislation?

- The enabling legislation requires changes within a year, some tactical improvements or clarifications would be helpful to address implementation challenges
- The enabling legislation requires changes within 6 months, focused improvements in priority areas are required within 3 months
- **The enabling legislation requires immediate change and improvement**

What are your organization's recommendations for tactical improvements that could be initiated while the government considers its approach to legislative change?

On August 21, 2024, the Manitoba government announced its intention to introduce [new Capital Region planning legislation this fall](#) to give municipalities the freedom to choose whether they want to participate in the Capital Planning Region. The AMM welcomed this announcement and looks forward to further consultations before, during, and after this legislation is formally introduced later this year. There should be clear provisions outlining a transparent mechanism in legislation granting flexibility to municipalities to opt-in or opt-out of not only the Capital Regional planning board but any regional planning board that may be devised in the future.

The AMM also understands that Manitoba Municipal Board has engaged KPMG LLP to undertake an operational review of the current state of its operations to identify possible areas of improvement related to human resources, operational processes, and technology and infrastructure. We believe such a review is long overdue and we are also looking forward to learning about the review's findings and recommendations. We acknowledge that this operational review is separate and distinct from the Statutory Review of Planning Legislation currently underway through the Manitoba government's Municipal and Northern Relations department. Nonetheless, there is significant overlap and implications that will assuredly result from both initiatives, and as such we strongly urge the provincial government to closely consult with our organization and all 137 municipalities moving forward.

While the shortcomings of the Manitoba Municipal Board have been captured in the initial summary document, the AMM wishes to take this opportunity to express its support for the idea of increasing the 25-objector threshold for automatically triggering Municipal Board hearings. This low and outdated threshold has indeed increased the number and frequency of appeals resulting in delays and increased costs to all parties. We encourage the provincial government to take steps to significantly increase this threshold at the earliest opportunity. Such an increase could be 150-300 objectors and/or based on a formula commensurate with an equivalent percentage of the population size of each municipality.

In regard to costs being incurred by our members due to an increase in appeals, the examples provided by some municipalities to our office show that each appeal can cost \$60,000-\$100,000+ per appeal due to legal fees, personnel costs, disbursements, printing, and postage. Therefore, we fully support amending the parties who have legal standing to appeal to those directly impacted by decisions, establishing filing fees for all appeals, and providing guidance to the Municipal Board on its ability to assign costs for frivolous and vexatious appeals, including the potential for municipalities to recover costs. We understand that the Municipal Board has the existing ability to award costs back to municipalities, however, has chosen not to do so due to historical practice. Municipal funds should be used for investing in their communities and Councils should not be forced to defend themselves from appeal after appeal with no mechanism for cost recovery.

Fundamentally, we strongly believe that the role and autonomy of local governments should be maintained. We also fully support the notion that municipal Councils are in the best position to make decisions based on their knowledge and understanding of their communities. It is their mandate as elected representatives to make decisions based on local priorities and context. The final say of land use planning decisions should not reside with a provincially appointed, unelected body unaccountable to local communities. In several cases, the Manitoba Municipal Board has essentially acted as the planning authority, undermining the authority and autonomy of local governments and democratically elected municipal officials. As we recognize that an appeals process with clear parameters and guidelines may be warranted, municipal Councils should be provided an opportunity to re-visit and make new decisions on land use applications, based on the findings of a modernized Municipal Board or similar body following an appeal.

Provide feedback on the legislative review consultation process including any feedback with a view to helping shape recommendations about future legislative review processes.

The AMM wishes to once again thank Braid Solutions Inc. for their objectivity and professionalism throughout the conduct of this independent review. We also greatly appreciate the openness and willingness to collaborate with our association when facilitating targeted municipal focus group meetings and consultations with our members.

Lastly, I would be remiss if I did not comment on the process and timelines related to the Bill 37 data request. While we appreciated the flexibility that was ultimately granted to municipalities and an extension to the submission deadline, the initial scope of the request was excessive and cumbersome for many of our members. The tight response timeframe in the middle of summer quickly overwhelmed municipal offices given staff availability and resourcing constraints. For example, one of members calculated it would take 800+ hours to fulfill the original data request. As the capacity and resources of municipalities varies greatly across Manitoba, we would encourage the Province to allow sufficient time and provide resourcing support to help municipalities fulfill similar, but more refined, requests in the future.

Summary of AMM Recommendations to the Provincial Government:

1. *Restore and protect the autonomy for local decision-making by providing municipal Councils an opportunity to re-visit and make new decisions on land use applications.*
2. *Amend the parties who have legal standing to appeal to those directly impacted by decisions as well as mandate the Municipal Board to assign costs for frivolous and vexatious appeals, including the potential for municipalities to recover costs.*
3. *Increase the 25-objector threshold automatically triggering Municipal Board hearings to either 150-300 objectors or an equivalent percentage of the population size of each municipality.*
4. *Review and modernize Municipal Board authorities and scope of work.*
5. *Closely consult with the AMM and municipalities on the new regional planning board legislation expected to be introduced this fall.*

In closing, thank you very much for the opportunity to provide this feedback as part of the Statutory Review of Planning Legislation. We shall look forward to reviewing your recommendations in the near future.

Respectfully and sincerely,



Denys Volkov
Executive Director

cc: Hon. Wab Kinew, Premier of Manitoba
Hon. Ian Bushie, Minister of Municipal and Northern Relations
Deputy Minister Bruce Gray, Manitoba Municipal and Northern Relations
Assistant Deputy Minister David Neufeld, Manitoba Municipal and Northern Relations

October 15, 2024

Statutory Review of Planning and Development Legislation

Sent via e-mail: ian.shaw@braidsolutions.com, minmnr@manitoba.ca

Keystone Agricultural Producers, Manitoba Beef Producers, and Manitoba Pork are pleased to provide feedback on the Government of Manitoba's consultation on planning and development legislation (i.e., bills 19, 34, and 37). We support the periodic review of *The Planning Act* to ensure the legislation remains relevant and practical for agricultural producers. The Manitoba livestock sector is a key economic driver for the provincial economy. The sector employs more than 8700 people and contributed \$3.3 billion in direct output in 2023.

Bill 19

Bill 19 made important amendments to *The Planning Act* involving zoning by-laws, appeals, notices, and deadlines. Livestock producers value timeliness, predictability, and accountability when it comes to land and building development. Allowing appeals for large-scale livestock operations, along with a 30-day decision deadline for the Municipal Board, benefits producers by creating fairness and predictability within the application process. Additionally, we strongly support the amendments that allow for minor renovations and alterations to existing livestock buildings without requiring additional approval. These provisions are essential in ensuring that producers can modernize their facilities to incorporate new animal care space requirements and environmental efficiencies without requiring a new conditional use hearing and technical review.

We also strongly support the provision introduced by Bill 19 that enables livestock producers to incorporate minor herd expansions (15 per cent) when upgrading their facilities. This provision serves as an incentive to help accrue the capital required for building upgrades. Regarding the changes involving notice provisions and public appeals, we support changes to the notice requirement (websites rather than newspapers), but we have concerns about the 25-person objection threshold. This threshold creates neither timeliness, nor predictability. Instead, lengthy delays can occur with complaints having little to do with the proposed zoning by-law. We recommended increasing the eligible-person threshold and limiting objections to a specified radius within the proposed zoning by-law.

Bill 34

Decisions made by council, board, or planning commissions required producers to file an appeal within 30 days for large-scale livestock operations. The recent amendment reduced the deadline for appeals to 14 days. Since we have heard no serious challenges from producers regarding this change, no additional changes are needed.

Bill 37

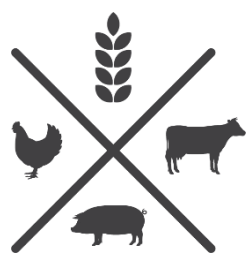
Bill 37 resulted in substantive changes to *The Planning Act*. One of the changes involved appeals concerning conditional uses. Previously, producers could appeal decisions made by the board, planning commission or council, but an appeal depended on the decision of the local authorities. Without a decision, applicants waited before an appeal could be made. The revised changes to *The Planning Act* emphasize timeliness with conditional uses. Deadlines and financial penalties—as introduced in the amendments—encourage local authorities to make timely decisions on important development projects.

Municipalities still retain local decision-making authority, as long as they deal with applications in a timely manner. The requirements set out in *The Planning Act* limit when applicants can appeal to the Municipal Board—applicants cannot file appeals in all circumstances. We support the ability for producers to file an appeal to the Municipal Board if applications are not handled in a timely manner; additionally, we support having the Municipal Board make final decisions of appeals. While recognizing the challenges municipalities encounter with the recent amendments (e.g., meeting deadlines, understanding new policies), we recommend the provincial government provide municipalities with adequate support and resources to ensure municipalities can meet the requirements of *The Planning Act*. Lastly, given the Municipal Board’s increased workload, we recommend the province hire additional Municipal Board staff to enable prompt decision-making.

The other major change to *The Planning Act* involved the creation of planning regions. In principle, we support this change as coordinated planning across municipal boundaries would help reduce the likelihood that agricultural land is prematurely designated and developed for non-agricultural uses and minimize encroachment of incompatible uses from existing agricultural operations. Currently, the amendments allow for one planning region, which comprises Winnipeg and several surrounding municipalities. Bill 37 focussed on setting goals within a regional plan: economic, social, physical, environmental, and fiscal. Given the size and scope of agriculture in the province, producers certainly have an interest in development of regional plans. The province recognizes this importance—in *The Planning Act*—by requiring regional plans “to protect agricultural land and agricultural operations” (10.3(2)(ii)). Furthermore, the regional planning mandate highlighted in *The Planning Act* focuses on important principles, such as cost-effective development, collaboration, leadership, and a shared strategy. We have provided feedback to the Winnipeg Metropolitan Region in the development of their regional plan—Plan 20-50. But Plan 20-50 still awaits ministerial approval. As such, we cannot comment on the plan’s effectiveness in practice.

We recommend that the province implement the above recommendations in a timely manner. We look forward to providing additional comments when amendments are presented in the Legislature.

Sincerely,



KEYSTONE
AGRICULTURAL
PRODUCERS





Peguis FN Real Estate Trust - Investing in Tomorrow's Success

September 6, 2024

Minister Ian Bushie
301 legislative Building
405 Broadway
Winnipeg, Manitoba, R3C 0V8
Phone: (204) 945 - 3788
Email: minmnr@manitoba.ca

Re: Bill 37

Dear Minister Bushie,

Thank you for your recent letter of July 9 and allowing the Peguis Real Estate Trust ("the Trust") the opportunity to provide perspectives on our experiences with Bill 37. We are keenly interested in the impacts on our future planning and development activities under Bill 37 and the ability to provide feedback.

We would like to discuss two key concepts related to Bill 37. The first concept is the provisions and the utility/usefulness of Bill 37 as it currently stands ("**The Ability to Appeal**") and the second item is our experience with how the appeal process occurred under **Bill 37 ("The MB Municipal Board Process")**.



Concept# 1 - The Ability to Appeal:

The ability to appeal a decision of a planning authority (ie. - a municipality) is extremely important to an entity like the Trust or any other private individual that puts forward a development application. Given the national discourse about housing, it is even more critical to have this mechanism in place to help resolve the current housing affordability crisis.

Bill 37 afforded the Trust an opportunity to appeal a local decision of the Rural Municipality of East St Paul ("ESP"), who rejected a development proposal to redevelop the former Meadows Golf Course, into a complete community with a variety of housing styles, to the MB Municipal Board. The development proposal, while compliant to the Red River (East St Paul) Development Plan, was not in compliance with zoning that would allow the complete community development. As such, prior to any development occurring, the site must be rezoned and subdivided.

Before Bill 37 was enacted, the only recourse of appeal was the legal system. Prior to Bill 37 using the legal system as effectively an appeal mechanism was not a wise use of the resources within the judiciary and did not afford the applicant an ability to argue all the issues at hand. Most if not all provinces seemed to have recognized this wasteful use of the legal system and developed appeal mechanisms to more efficiently provide a proper opportunity to appeal local development decisions.

The ability to appeal also highlights other issues in contention, being that the decisions of a municipality may, in the minds of the local elected officials, be in the local public good but with a wider lens looking at the issues at hand, that local decision may not be in the best interests of the greater good. Also important to acknowledge is that local decisions may be subject to bias. An appeal requires another hearing body to fully review and adjudicate these issues from a neutral vantage point.

Concept# 2 - The MB Municipal Board Membership and Process:

An appeal process should provide an unbiased opportunity and venue to discuss, without local and/or proponent interference, the merits of a proposed development.

Membership:

The Hearing process, itself, could be strengthened by professionalizing the member composition of the board. Specifically, the Hearing Board could benefit from limiting membership to chartered professionals that are bound by a Code of Conduct/Ethics with a proven track record in the subject areas of land use planning, engineering, real estate or development, not necessarily local government.



There is a propensity for the Board to appoint former Local Reeves, Mayors and/or staff to the Board. This may be perceived as a conflict in the sense that they are already part of, or were part of, a system that supports municipalities being empowered to make all local decisions, regardless of if there is merit to the broader provincial public interest or good.

To date, municipalities around Winnipeg have strongly indicated opposition to increasing density and allowing different types of housing (townhouse and apartments) in their municipalities. It is difficult to understand how members of the Board would think differently at the Board level.

To this point, only one land use planning and real estate professional participated on the hearing body for the Trust's appeal hearing. One of the other members of the Board was a former Mayor while the other member was a lawyer with strong ties to the former Tory government.

Process:

The Trust would suggest that The Municipal Board must consider its staffing and related capacity to manage appeal cases on a more holistic basis.

To this point, it would have been helpful if The Municipal Board employed a mediated approach, with the hearing being a last resort measure. A mediated approach may have resulted in bringing ESP administration to the table (who purposely had little engagement with the Trust on the proposed development) and ultimately may have enabled a collaborative planning process to unfold.

It may also have saved time and expense for all involved in the process. However, the current timeframes to hold a hearing in combination with limited staffing resources, makes it virtually impossible for any dispute resolution efforts to be employed prior to an appeal hearing.

Regional Planning Board and Plan 2050

Bill 37 set up the creation of the current Winnipeg Metro Region with the concept that collaboration and planning together for growth and infrastructure made sense. However, the Board, itself, is largely made up of municipal leaders who have publicly indicated they do not support changing the status quo in terms of development, favouring only existing low density development.

While the Trust was informed that the initial Plan 2050 did attempt to advance a new approach to development in the WMR based on sound planning analysis to accommodate growth, change and affordability, the latest plan took away all original plan language and replaced it with status quo development densities, being low density. The status quo of 2-4 units an acre is not sustainable going forward and actually harmful to Manitobans, especially the middle class who would be denied the opportunity to acquire an affordable home or find apartment or townhouse housing in their municipalities.



The latest plan simply increased authority of participating municipalities to maintain their authority to limit development to a certain 'type' of community that, frankly, only rich Manitobans could afford. The Plan as is will not provide a path forward to provide affordable housing for middle class in Manitoba and is out of step with the realities people are facing due to the cost pressures that have driven up housing prices for first time home buyers and in fact all housing market segments.

It may be useful for the Province to consider commissioning a growth strategy based on growth forecasts, how to ensure an affordable housing stock that can be efficiently serviced in all of the metro Winnipeg area.

The Meadows Appeal - Our Experience with Bill 37

Background

In 2021, the Trust acquired the former Meadows Golf Course, located in the Municipality of East St Paul (ESP), with the objective of redeveloping it as a complete community including approximately 2,000 housing units varying from smaller to moderately sized single family to apartment-style homes.

A small section of the site would also accommodate community level, commercial development. All development was to be connected by a system of sidewalks and trails, along with a new transportation network. The site was to be serviced by a district geo-thermal system to provide heating and cooling to the multifamily units.

The development vision was drafted by a team of professionals, including architects, planners and engineers. Housing typologies and density were based on urban affordability metrics and the ability to deliver a broad spectrum of housing that was serviced with urban standard services.

A comprehensive community engagement process was undertaken and the results helped form the development vision.

The Process

The Trust chose to follow *The Planning Act* process to rezone and eventually subdivide the site. It followed the Red River Planning District's ("RRPD") Official Development Plan's directions to develop General Development designated lands (urban standard/serviced development).

It was the intention of the Trust to treat the vast majority of the site as any similar fee simple development (ie. Waverley West). The Trust would develop/prepare the site, invite homebuilders who would then sell the housing to Manitobans. The profits from the development would be a source of own source revenue that would be used to strengthen the Nations efforts to achieve greater independence from government funding.



The Provincial Department review of the proposed development, as part of the development approval process (subdivision/rezoning) was favourable and all provincial conditions identified could be met by the Trust.

The Trust observed and adhered to East St Paul's self-imposed development moratorium, based on a lack of available urban standard services, seeking to only rezone the site with a subdivision process to occur once adequate servicing capacity was in place. Although it should be noted that any discussions on servicing constraints and challenges were not allowed to occur for reasons known only to the two administrative bodies (ESP and RRPD).

While agreeing to the moratorium parameters, the Trust, at the same time, engaged, at considerable expense, professionals to identify an infrastructure capacity solution that would enable the First Nation lands along with potentially other lands, to be serviced to an urban standard by a majority owned First Nation private utility.

Very few meetings were held with the Planning staff of RRPD and ESP Administration and Council, but the few meetings that the Trust was able to have with ESP and RRPD clearly communicated the intended development vision. As you can imagine, this is very unusual in that a municipal/district administration responsible for land use and development would choose to not work with development proponents seeking to develop in their municipality.

The Public Hearing

It continues to be unclear as to why there was a lack of collaboration, but it certainly affected the application and the adjudication of the application before the hearing body(s). The Public Hearing that was held on March 7th, 2022 got off on the wrong track immediately due to the lack of collaboration throughout the process.

While not necessarily something that can be directly assigned to why an appeal is necessary, we feel it must be stated that the local public hearing forum was insensitive to the rights of Indigenous peoples (most likely due to ignorance). As the hearing progressed it moved perilously close to something more uncomfortable for the Peguis Real Estate Trust trustees, members of Peguis Council and other members of the Peguis community that were present at the hearing. The Body allowed the public to put forth ideas and comments that were not respectful nor factual in nature and the discourse progressively regressed.

The Hearing Body allowed Municipal Administrative staff to discredit professionals including the Trusts' engineers in the hearing. The Hearing Body and Administration also admonished the notion of increasing density and introducing new forms of housing as outlandish and something that 'did not belong in their community' and was somehow irresponsible. Fast-forward to today, where we are in



the midst of a housing crisis with the worst performer in the country to delivering housing being the City of Winnipeg Metro Region including the Municipality of East St Paul.

It became clear in the hearing that there was no intention of the Mayor and Council (the Hearing Body) to advance the development vision of the Trust, citing issues such as land use, density and servicing capacity - all issues that the Trust would have been able to address through a collaborative planning process (had that process been allowed to occur).

The Mayor and Council rejected the rezoning on the following basis:

- The proposal is not compatible with the character of East St. Paul. There were strong objections presented at the public hearing.
- The application was missing critical information.
- The proposal is not consistent with the Development Plan.
- Lack of comments and information from Manitoba Transportation and Infrastructure Highway design branch given the proximity and access to PR 59 and PR 101.
- The proposal is not harmonious with the surrounding area

Feedback at a later date after the hearing came with comments such as *"it was good we prevented the development application, maybe they will pick up and leave the community."*

The Appeal to the MB Municipal Board

The Trust appealed the rejection decision to the Manitoba Municipal Board. On August 15th and 16th, 2022, a hearing was held in the Council Chambers of East St Paul. Another observation for your consideration is using a venue in the 'backyard' of a protracted development proposal.

While certainly subject to interpretation, it is important to note that attending the Hearing was Mayor Devlin, who is a residential developer in East St Paul, that is in direct competition to the Trust. It should be noted that the Trust did raise the issue of conflict to the Board which the Chair of the Board verbally dismissed.

The written decision of the Board focused entirely on supporting the Municipality's rejection because of a lack of available services. The written decision overlooked many key facts including the efforts of the Trust to engage with the ESP to collaborate on how to solve those servicing issues. Without the ability to discuss and collaborate, the Trust was left to their own devices in trying to demonstrate their ability to service the site with a full range of urban standard services.

The written decision's section called Analysis and Conclusion, pointed out that East St Paul could not accommodate ANY new development.

"The evidence was overwhelming that the existing infrastructure in the Municipality is inadequate to serve its current population."



The above language of the ruling was loose and purposely exaggerated to make the point being that the Trust should have known better that there was no servicing capacity to allow new units to be built.

Yet it appears that the Trust is being subject to a double standard when you look at what has transpired since 2021 in East St. Paul. Reality does not support what the Board used as a reason for rejection of the Trust's application. Since 2021, an entire new housing development has been built in East St. Paul with water and wastewater services provided to these new homes by the municipality. We assume that people are living in these homes so, in fact, there was not overwhelming evidence that the current existing infrastructure is inadequate to serve its current population.

The written ruling of the Board used strong, admonishing language to express how irresponsible the Trust was being in suggesting that it had the ability to advance the development and service it to a safe, urban standard. The ruling and subsequent actions of East St Paul to allow new development suggests the Trust was subject to a different standard.

The decision reflects, yet again, a concerted effort to suggest that somehow First Nation businesses or efforts to conduct business in municipalities like East St Paul must be held to a higher level of scrutiny. We would challenge the Province to identify another developer who has been aggressively dismissed based on the fact that the authorities (municipality and Board) did not think they had the 'capacity' or 'ability' to conduct safe and proper development and servicing.

Subsequent Events

Since the Board ruling in October 2022, the Trust remains the land owner and continues to be subject to significant carrying costs as well as all applicable government taxes. The Trust was recently advised that ESP initiated a secondary plan process for a specific area of the RM being the land east of Highway 59 and west of Wenzel road which is predominantly owned by two First Nations.

This triangular piece of lands contains the former Meadows Golf Course and other lands to the north. The Trust has not been engaged or invited to participate in the secondary plan process. However, the Trust was advised that the municipality hosted community engagement events to help form a vision for the Trust's lands. The Trust was not invited to any of these events. To this date, the Trust has no idea how the draft secondary plan will impact their development vision for the lands. This secondary plan process truly is the opposite of reconciliation and yet another example of colonial thinking in action.

We raise the secondary plan process that is underway because it remains unclear if secondary plans are appealable under Bill 37. If they are not, they should be appealable.



Key Observations:

- Local decisions must be subject to appeal. As it relates to the Meadows Golf Course, there are too many questions on how the process unfolded and more concerning, how other developers have been able to develop without facing similar issues (ie. The Lux - multi family (developer Mayor of East St Paul), Gateway Point - broad spectrum of housing including single family and townhouses).
- The Meadows Golf Course remains vacant and there will be no development on the site for the foreseeable future, even though there is an irrefutable housing crisis in the Winnipeg CMA. This delay is directly impacting Indigenous peoples and average Manitobans looking to find affordable accommodation.
- The current Plan 2050 will only strengthen the ability of local decision makers to say 'no' by lowering mandatory densities and making it a local decision to increase density. It will essentially authorize discrimination by only allowing large lots (ie. 4 units per net acre) which is essentially a 10,000 sq ft lot that only a very small, wealthy segment of Manitobans can afford.
- The Board's written ruling on the Meadows redevelopment sent very strong signals that the Trust was acting irresponsibly. The language enters into what the Trust would describe as hierarchal, unfair and colonial, suggesting that Trust lacked the necessary sophistication, ability and knowledge to service the site.
- The Trust is now subject to a top down, colonial secondary plan that, by way of the current legislation, it is not clear if it is appealable or not. Nor is it clear what the plan will dictate to be the development on the Trusts lands. What is clear is that the residents of East St Paul were invited to have a say on what will be developed while the owner of the land, the Trust, was not.

Meegwetch



Greg Stevenson

