

Appeals and Performance Standards

Amendments to The Planning Act and City of Winnipeg Charter Act

- The Planning Amendment and City of Winnipeg Charter Amendment Act (Bill 37) implements key planning recommendations from the June 2019 Treasury Board Secretariat Report, *Planning, Zoning and Permitting in Manitoba*.
- These changes adopt best practices and ensure greater transparency, consistency and accountability across the province.
- The overall goal is to establish a province-wide framework to support a co-ordinated approach to planning and development, reduce planning delays and enhance planning appeals.
- It addresses gaps in Manitoba’s regulatory framework by introducing service standards for planning and expanding appeals to the Municipal Board.

The following provisions of Bill 37 below were proclaimed October 29, 2021.

- New mechanisms, such as mandated timelines for planning decisions and independent appeals system, will help reduce delays to development while ensuring the local governments lead the decision-making process on private sector capital investment opportunities in their communities.

Planning Appeals

- The amendments to The Planning Act and City of Winnipeg Charter Act enable applicants to appeal council decisions on secondary plan amendments and zoning by-law amendments, subdivisions and development agreements, as well as missed timelines to the Municipal Board.
- The amendments to The Planning Act and City of Winnipeg Charter Act also clarify that the Municipal Board can assign costs incurred by the board, as well as assign costs in the case of unreasonable delays in dealing with planning applications.

Service Standards (Timelines)

- The amendments to The Planning Act and City of Winnipeg Charter Act introduce new service standards (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:

<p>Secondary Plan amendment</p> <p>Zoning amendment</p> <p>Subdivision (standard)</p>	}	150 days
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Completion of **development agreement** – **90 days**

Subdivision (minor) decision – **60 days**

Acceptance of **development permit** application – **20 days**

After receipt of appeal, **Municipal Board hearing** within – **120 days**

After hearing, **Municipal Board report** within – **60 days**

Notes: All timelines are measured from the date a completed application is received to date of planning authority decision unless otherwise stated.

Timelines are in calendar days, not business days.

*These are **total** times only (i.e., The Act requires council to hold a zoning by-law amendment hearing within 90 days and then make a decision within 60 days after the hearing – for a **total** of 150 days)*

Additional Measures to Simplify/Expedite Processes

- The amendments to The Planning Act and City of Winnipeg Charter Act include a number of provisions intended to streamline and reduce the administrative burden of planning, including giving municipalities and planning districts authority to hold public hearings on zoning and secondary plan by-laws prior to first reading.
- Applicants will have 14 days to appeal missed service standards (timelines), decisions or conditions of approval.

Review Period Proclaimed

- The amendments to The Planning Act and City of Winnipeg Charter Act include a section that requires these legislative amendments be reviewed in three years.