

Manitoba is required by law to undertake a comprehensive review of recent amendments to The Planning Act and The City of Winnipeg Charter (formerly Bill 37 and Bill 34). Manitoba retained Braid Solutions Inc. to conduct the independent review of the legislative amendments including a comprehensive stakeholder engagement process.

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.

This document constitutes the What We Heard Report. A Final Report that includes recommendations has been delivered to government. Manitoba is required to table the report in the Legislative Assembly by October 29, 2025.

The following appendices will be provided with the Final Report at that time:

- A. Statutory Review of Planning Legislation Phase I Report
- B. Statutory Review Methodology
- 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



Statutory Review of Provincial Planning Legislation

What We Heard

Prepared for:

Manitoba Municipal and Northern Relations

October 28, 2024

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

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
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

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**.

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:

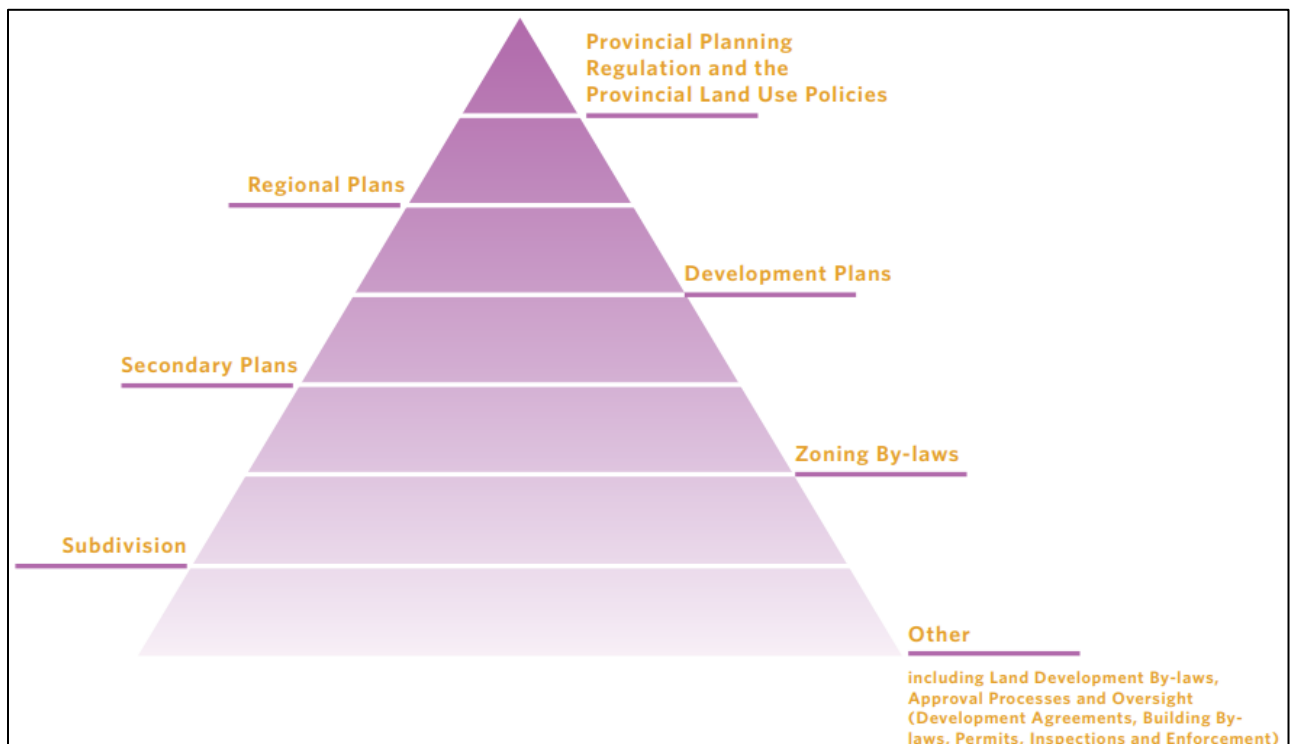
https://www.gov.mb.ca/mr/land_use_dev/pubs/the_planning_handbook.pdf

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.

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

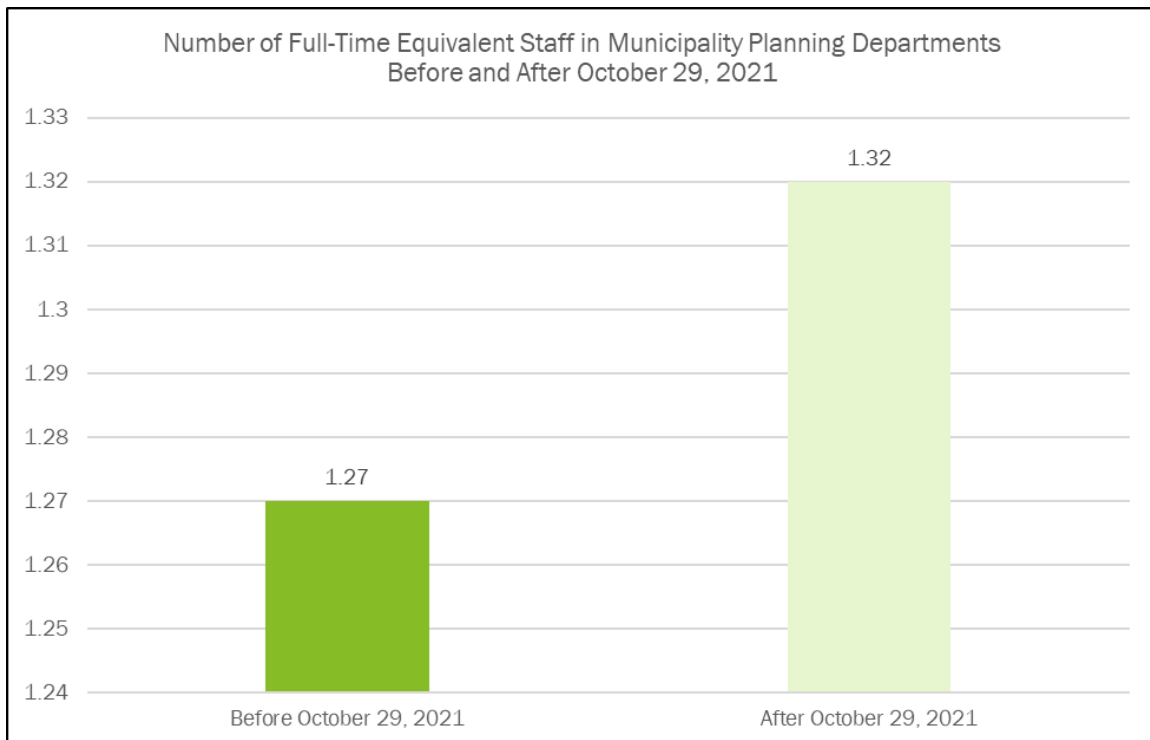
“The terminology and concepts in this legislation have not been made accessible to the average person so that they can understand how it benefits them in any way.” – Public survey participant

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.

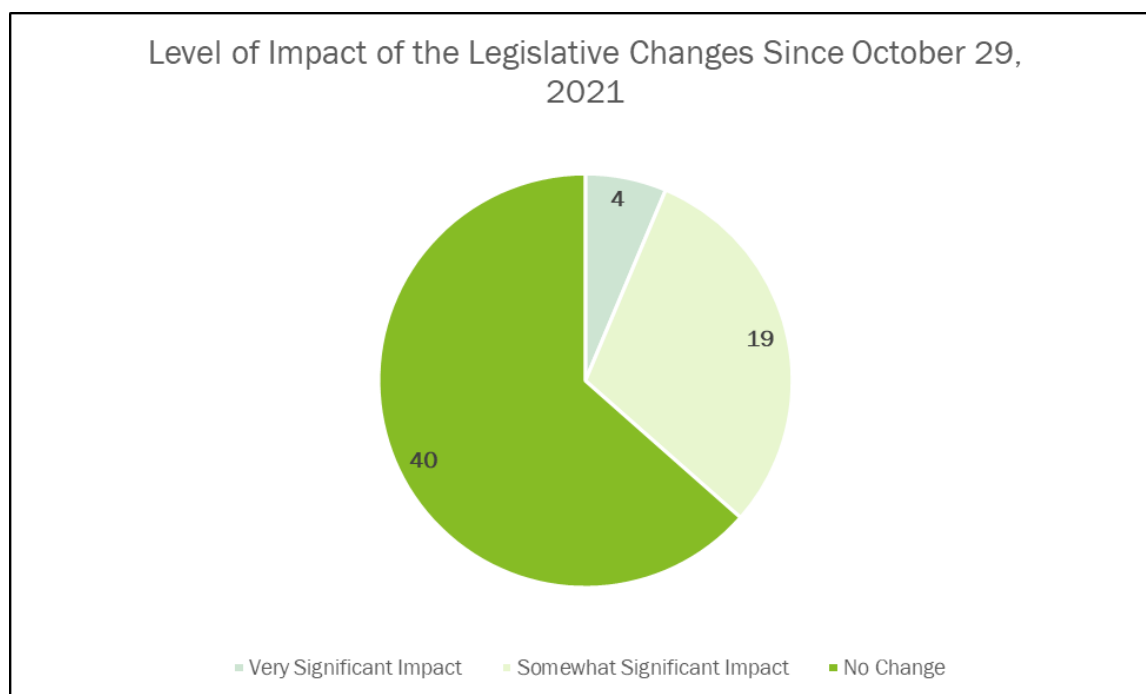
Review participants noted that the impacts of this aspect of the legislation have been variable across the province as shown by the response to the municipal survey conducted by the review team in Figure 3 below. Details on this survey can be found in **Appendix E**.

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:

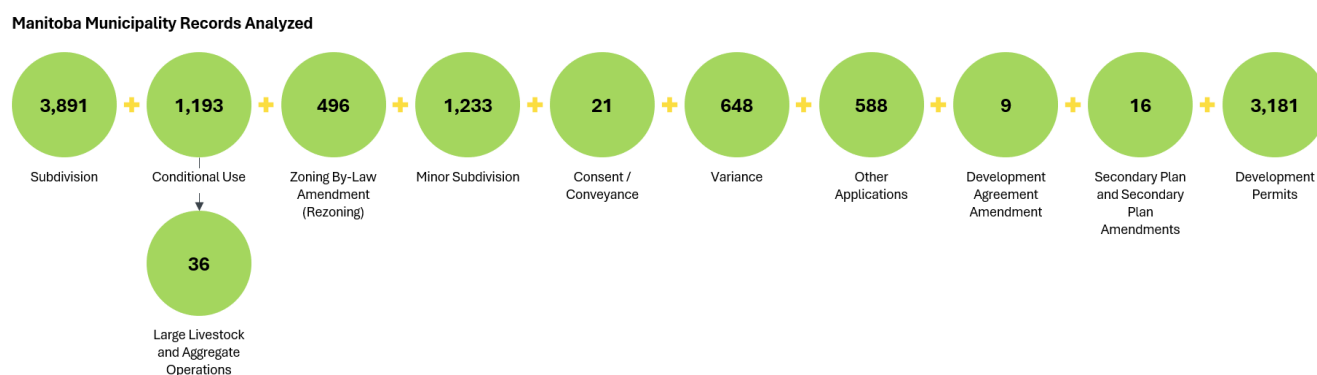
- The timelines don't account for the varying complexity of different applications. More complex projects often require additional time for proper review and consultation. This can lead to incomplete reviews or administrative recommendations to council, potentially compromising the quality of decision 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.

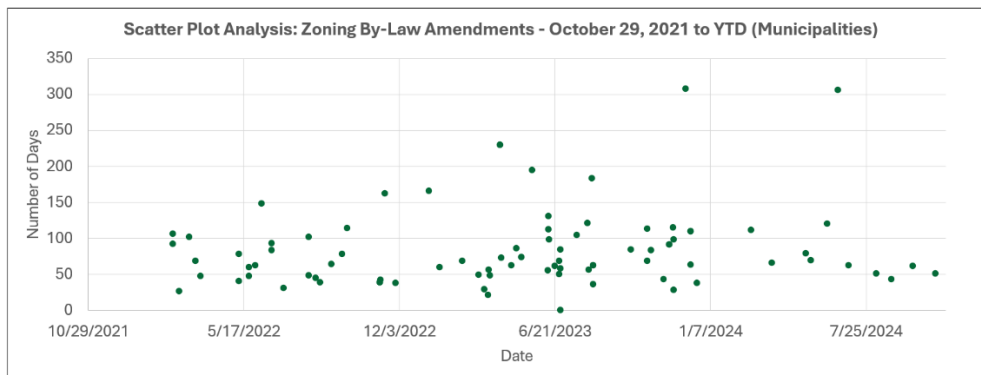
Figure 4: Manitoban Municipality Records Analyzed



Source: Municipality Data Request.

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

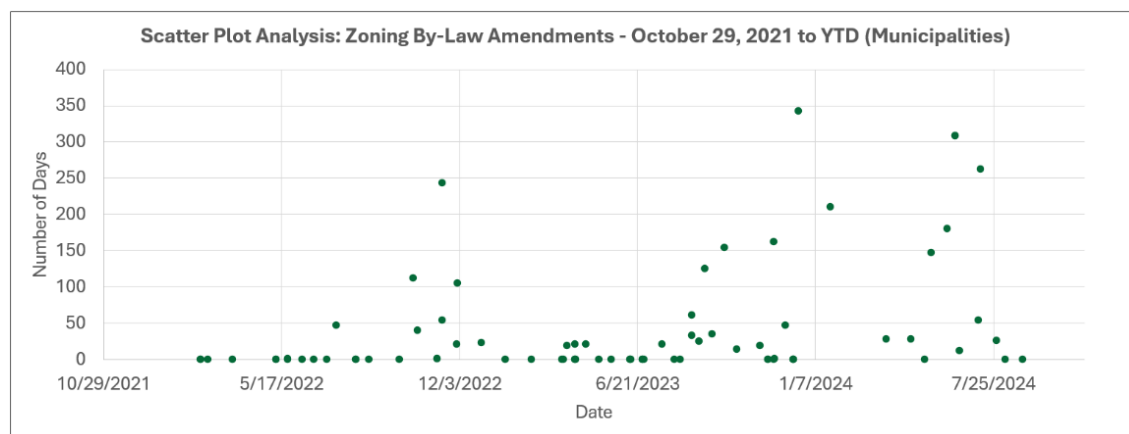
Figure 5: Municipalities Zoning By-Law Amendments – 90 Days from Date Application is Made to Hearing



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

Source: Municipality Data Request.

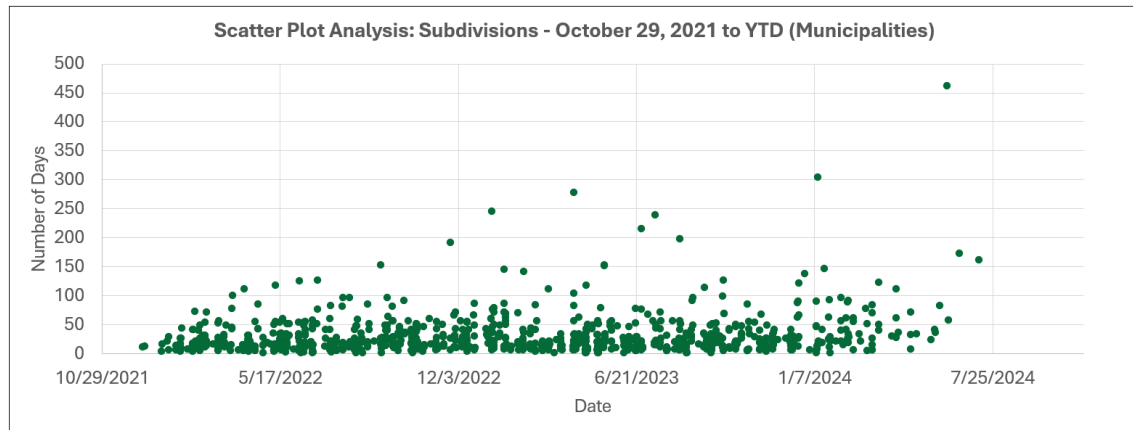
Figure 6: Municipalities Zoning By-Law Amendments – 60 Days from Hearing to Council Decision or Referral to The Manitoba Municipal Board



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

Source: Municipality Data Request.

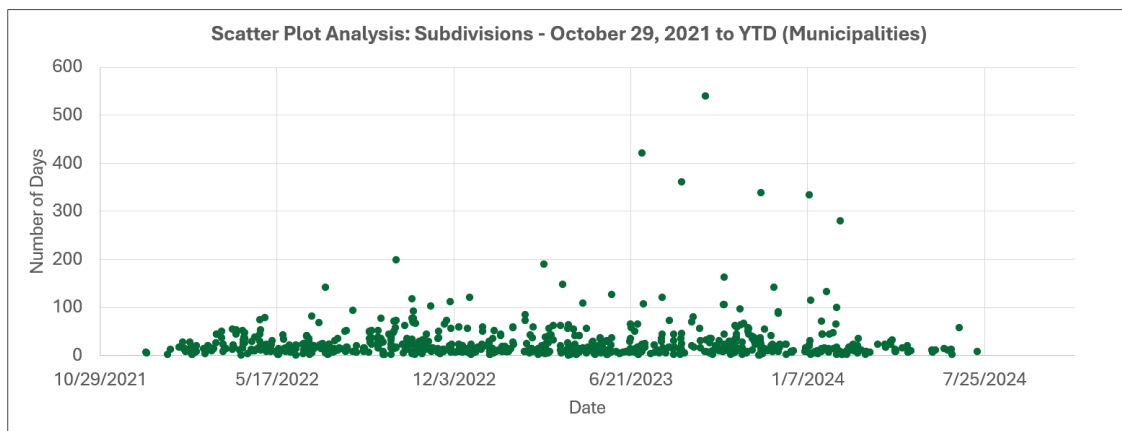
Figure 7: Municipalities Subdivisions – 90 Days from Date Application is Received by Council to Resolution



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

Source: Municipality Data Request; Manitoba MNR.

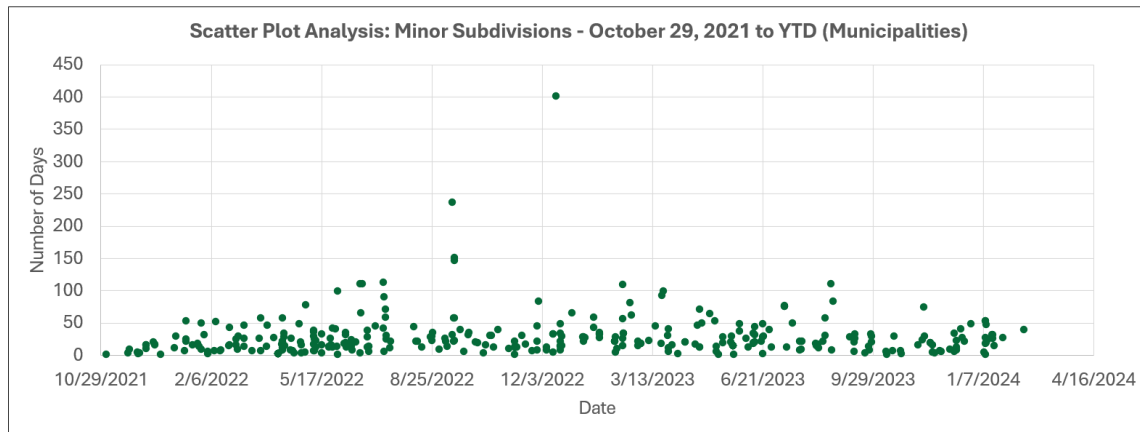
Figure 8: Municipalities Subdivisions – 60 Days from Date of Council Resolution to Approving Authority Decision



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

Source: Municipality Data Request; Manitoba MNR.

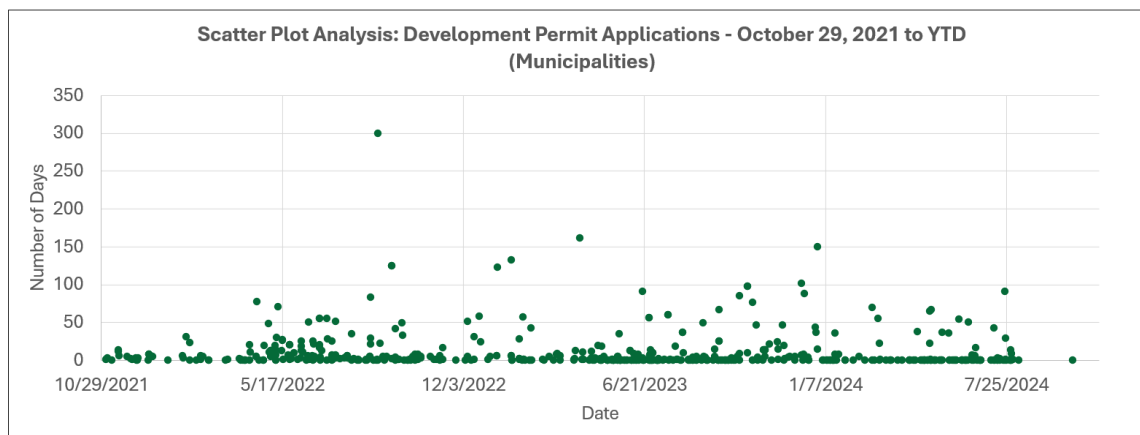
Figure 9: Municipalities Minor Subdivisions – 60 Days from Date Application is Received by Council to Decision



- ✓ 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.

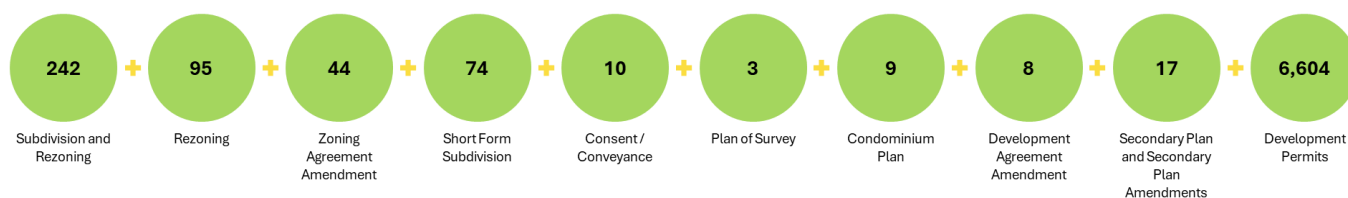
- Municipalities are generally consistent in meeting all appropriate service standards for standard subdivision and minor subdivision applications. (MNR administers the subdivision process except for Planning Districts with the formally established authority to perform this function.):
 - Almost all 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

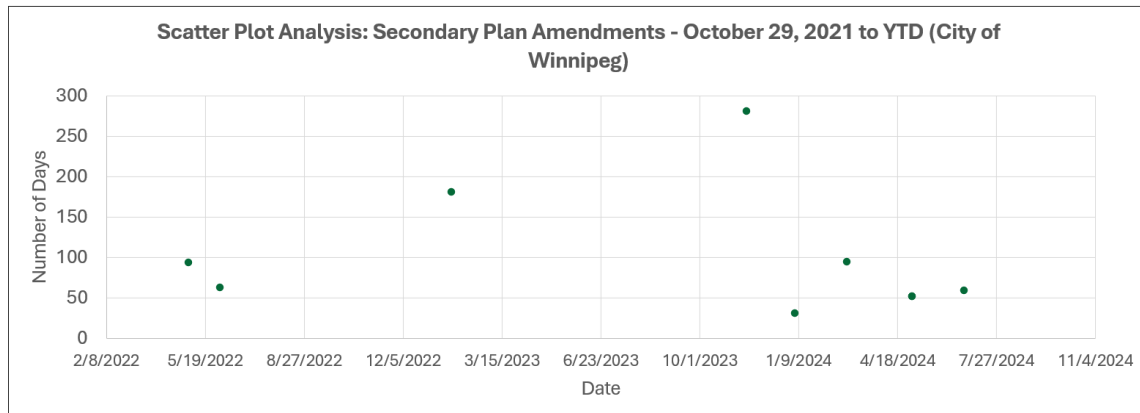
City of Winnipeg Records Analyzed



Source: City of Winnipeg Data Request.

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

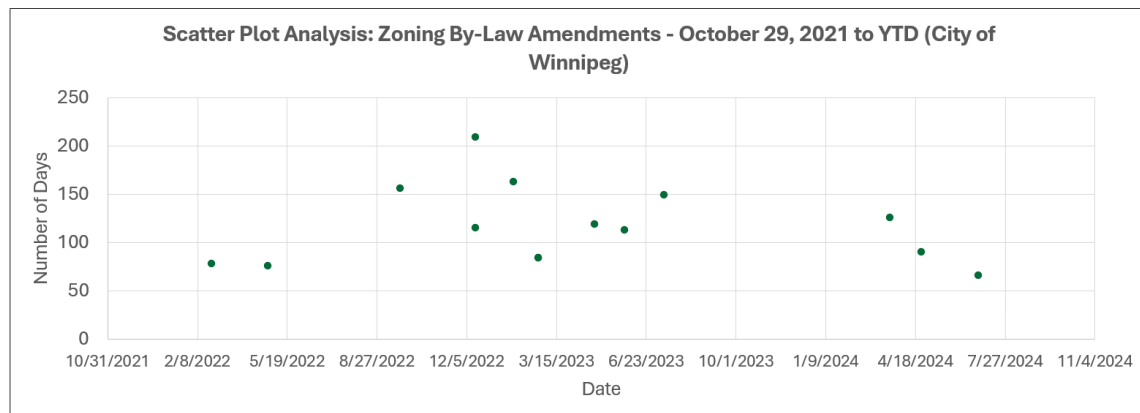
Figure 12: City of Winnipeg Secondary Plan Amendments – 150 Days from Date Completed Application is Received by City to Decision



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

Source: City of Winnipeg Data Request.

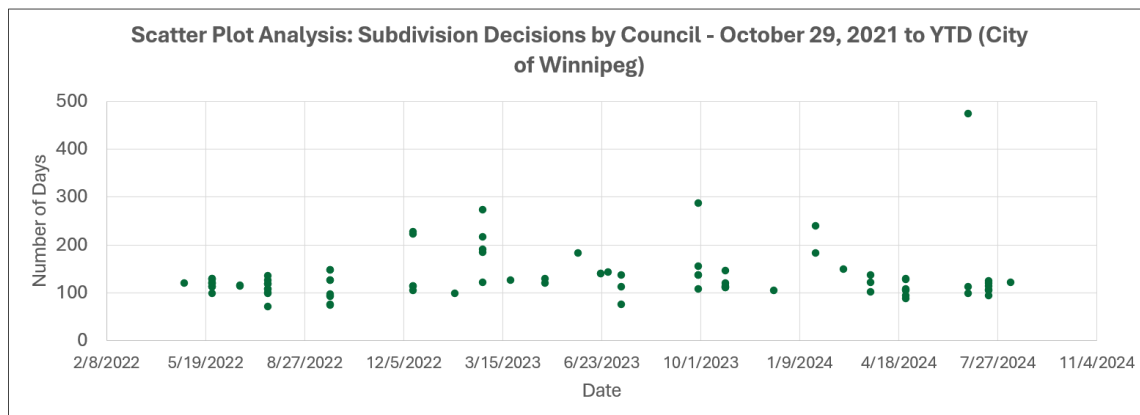
Figure 13: City of Winnipeg Zoning By-Law Amendments – 150 Days from Date Completed Application is Received by City to Decision



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

Source: City of Winnipeg Data Request.

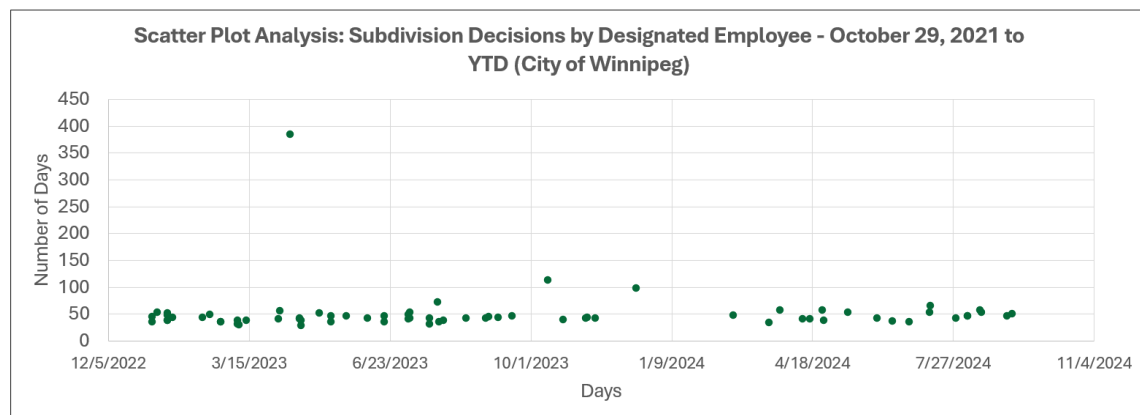
Figure 14: City of Winnipeg Subdivision Decisions by Council – 150 Days from Date Completed Application is Received by City to Decision



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

Source: City of Winnipeg Data Request.

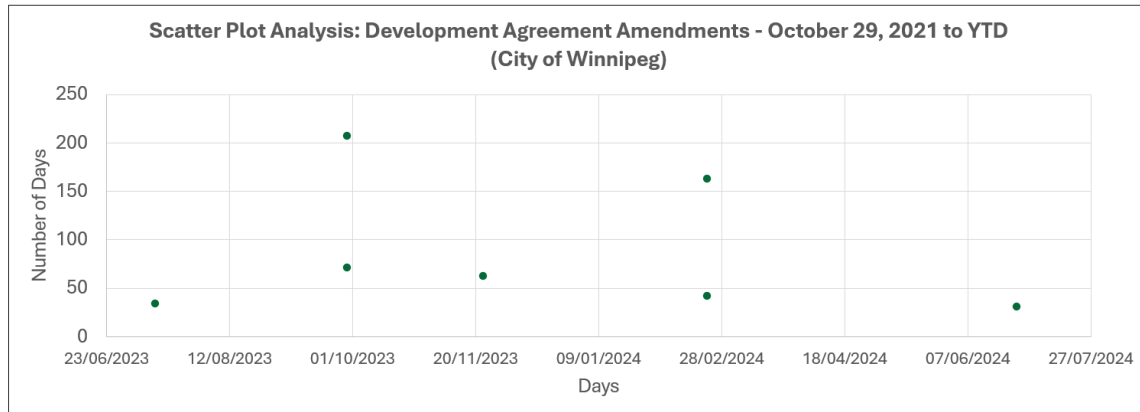
Figure 15: City of Winnipeg Subdivision Decisions by Designated Employee – 60 Days from Date Completed Application is Received by City to Decision



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

Source: City of Winnipeg Data Request.

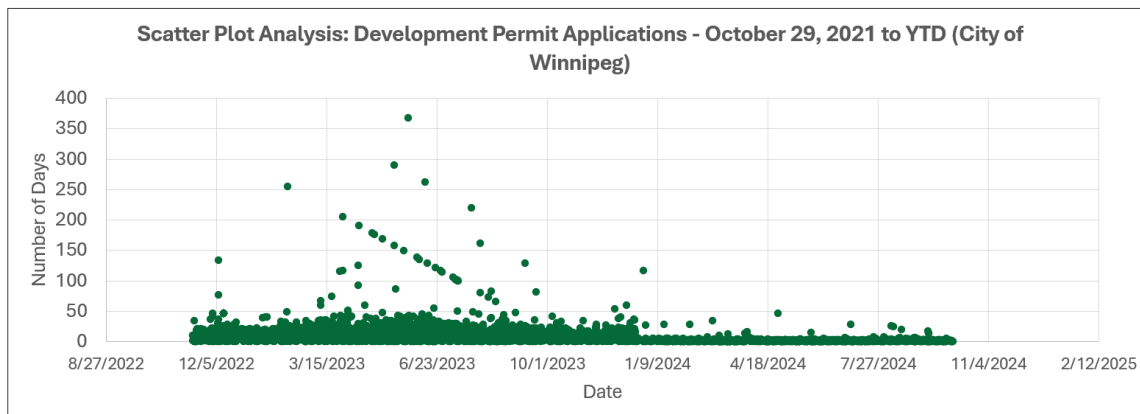
Figure 16: City of Winnipeg Development Agreement Amendments – 90 Days from Date Completed Application is Received by City



- ✓ 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 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.

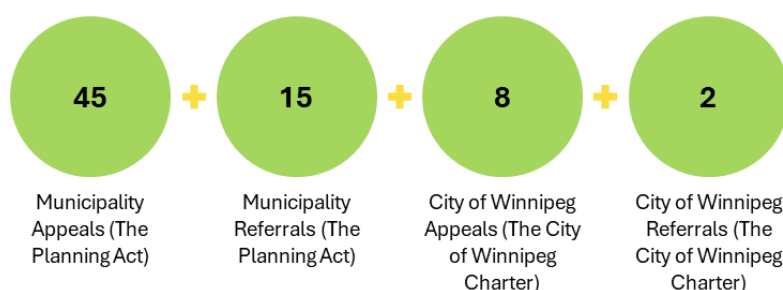
The Municipal Board participants confirmed that they were initially supported with a part-time term planning resource from the Community Planning Branch to support case inquiries and to provide technical support to the Municipal Board members and staff. This resource support has been discontinued.

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

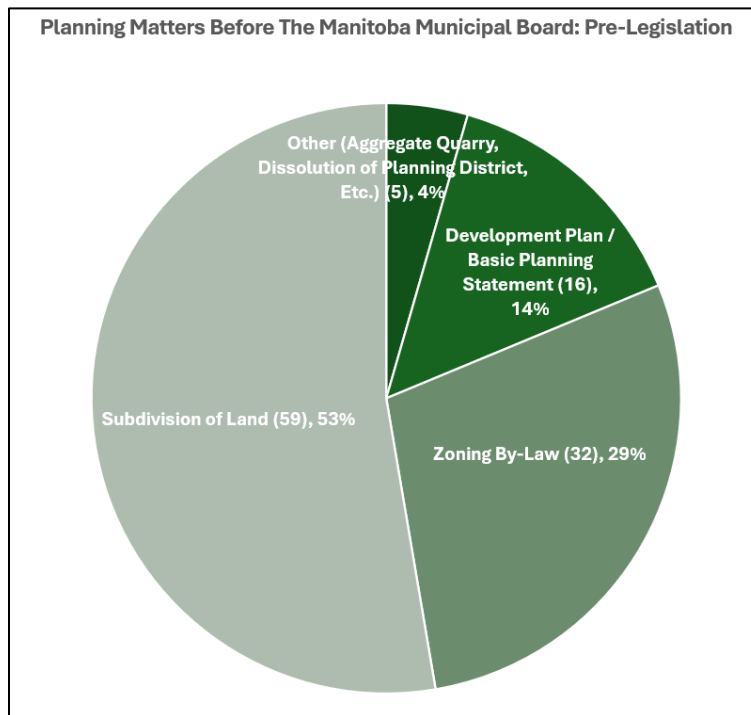


Source: The Manitoba Municipal Board Data Request.

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

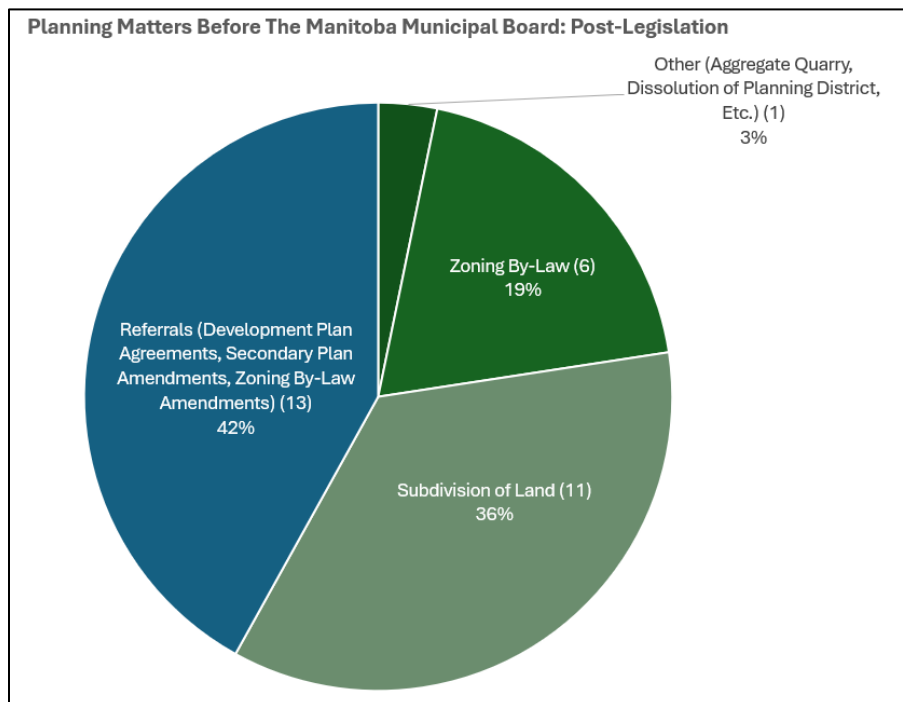
Implementation Guide and the review team considers it an acceptable proxy for the purposes of this review.

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**.

