

The Planning Amendment Act & City of Winnipeg Charter Amendment Act **(Bill 37)**

Frequently Asked Questions

Bill 37: CHANGES AT A GLANCE

What are the key differences between current Bill 37 and former Bill 48?

The newly proposed *Planning Amendment & City of Winnipeg Charter Amendment Act* addresses important features of the previously proposed bill. In addition, after extensive consultations with municipal partners and industry stakeholders, the government has brought forward a revised bill that ensures streamlined planning processes that enhance opportunities for economic growth and ensure Manitoba remains competitive and attractive for business.

Key revisions include the following,

- The powers of a planning region, for example the power to acquire land, are limited to those that are required to implement the regional plan.
- Financial contributions by regional member municipalities will now require agreement on the amount or proportion of funding that each member municipality will contribute to meet the expenses of the planning region. Only in the event of no agreement, the Minister may prescribe the amount member municipalities must provide to the region.
- The capital regional planning by-law will take effect immediately upon adoption. This means that proposed amendments to local development plans, secondary plans, zoning by-laws, subdivisions and conditional uses must be consistent with a regional planning by-law, or they cannot be approved.
- The Minister is required to consult with the council of each municipality proposed to be included in the planning region before establishing future planning regions.
- The Bill aligns with similar provisions in *The Planning Act* to allow City of Winnipeg residents to appeal re-zonings (and secondary plan by-laws). To appeal, there must be second objections from 25 eligible voters (or 50% of the registered owners within 100m).
- The commencement period for appeals is reduced to 30 days, from 60 days or 90 days, to ensure a consistent and timely decision making process.
- Decisions on planning applications cannot be delayed on the basis that the preparation or amendment to secondary plan is pending.
- Within three years after the coming into force, the minister must undertake a comprehensive review of the amendments in the Act that includes public representation.

GENERAL:

1. Q. Why is the Government of Manitoba making changes to *The Planning Act* and *The City of Winnipeg Charter*?

- A.** Bill 37 addresses key planning recommendations in the Treasury Board Secretariat (TBS) report "*Planning Zoning and Permitting in Manitoba*" (June 2019) to create a transparent, consistent and efficient planning framework by reducing unnecessary planning delays, while ensuring due diligence, environmental and safety requirements are met. This legislation brings Manitoba in line with most other jurisdictions in Canada. The proposed legislation will enhance opportunities for economic growth and ensure Manitoba remains competitive and attractive for business and job growth.

2. Q. How will these changes attract investment and create jobs in our communities?

- A.** Bill 37 is expected to make Manitoba's development climate more competitive, predictable and attractive to investors. More investment means more jobs for Manitobans. The changes address the significant economic costs related to unnecessary permitting delays (up to \$17M negative impact on Gross Domestic Product and over \$2M negative impact on provincial and municipal revenue per day) as cited in The Treasury Board Report.

3. Q. Who has the Province consulted with?

- A.** Since January 2020, the Department has held extensive meetings and technical briefings with key stakeholders to receive input and answer questions about the proposed legislation, including with the City of Winnipeg, The Association of Manitoba Municipalities, planning districts, rural municipalities, the Winnipeg Metropolitan Region, professional associations and industry.

Bill 37 is the product of a detailed analysis and consultation undertaken by Treasury Board Secretariat that culminated in its final report, "*Planning Zoning and Permitting in Manitoba*" (June 2019).

In addition to analysis of cross jurisdictional best practices, provincial legislation, municipal by-laws and policies, planning districts and economic development organizations, service delivery standards and development of economic models, Treasury Board Secretariat staff interviewed approximately 50 individuals including developers, professional organizations, the City of Winnipeg, rural municipalities and planning districts. The recommendations were posted on line proactively and additional comments solicited from all Manitobans.

In addition, on November 8, 2019, the Province formed a 13-member Provincial Working Group to advise the government on the proposed legislative changes.

The working group consists of Dr. Bob Murray serving in an advisory capacity and as interim chair, and 13 members:

- Susan A. Thomson – Community Leader, Entrepreneur, Politician, Diplomat, Philanthropic Fundraiser and Founder of the Winnipeg Metropolitan Region (WMR);
- Karl Loepp – Chief Operating Officer, Private Pension Partner;
- Don Streuber – Executive Chair, Bison Transport Inc.;
- Martin McGarry – President and CEO, Cushman and Wakefield Stevenson;
- Michael Jack – Chief Corporate Services Officer, City of Winnipeg;

- Laren Bill – Chair of treaty land entitlement, Implementation Monitoring Committee;
- Dr. Annette Trimbee – President, University of Winnipeg;
- John Wintrup – Planner, Richard Wintrup and Associates;
- Dayna Spiring – President and CEO, Economic Development Winnipeg;
- Mike Scatliff – Director, Scatliff, Miller and Murray;
- Christian Korell – Owner and CEO, Barnes and Duncan;
- Ron Hambley – President, Winnipeg Construction Association; and
- Colleen Sklar – Executive Director, the Winnipeg Metropolitan Region.

Municipal Relations is committed to on-going dialogue and working with stakeholders to achieve consistent outcomes and approaches to implementing Bill 37. A multi-stakeholder Bill 37 Working Group, with representation from the City of Winnipeg, Association of Manitoba Municipalities, Urban Development Institute, Manitoba Professional Planners Institute and Winnipeg Metropolitan Region is meeting bi-weekly. This is an important opportunity to receive advice and collaborate on the successful implementation of Bill 37. Bill 37 Working Group has been working in good faith, with extensive resources dedicated to it by both Provincial supports and participants.

4. Q. How does the Province contribute to the cost of planning?

- A.** Land use planning in Manitoba is a partnership between the provincial and local governments and their citizens.

The Department of Municipal Relations provides professional and technical planning and mapping services to municipalities and planning districts through its regional field offices.

The Department also is a significant funding partner, providing planning grants of up to \$75,000 to municipalities and planning districts in support of planning by-law reviews.

The Province is also a significant funding partner to the Winnipeg Metropolitan Region to support its operations and studies.

5. Q. How will Bill 37 impact CentrePort?

- A.** CentrePort’s comprehensive plan developed for the Inland Port Special Planning Area must be generally consistent with the regional plan of the Capital Planning Region.

6. Q. When will Bill 37 take effect?

- A.** Changes prescribed under Bill 37, along with the associated regulations, will come into effect upon proclamation. The proposed Bill is a priority for Government.

The Department of Municipal Relations will continue to work with all municipalities, planning districts and other key stakeholders to ensure they understand the requirements of the Bill and will offer advice in implementing the proposed changes.

7. Q. What is being done to ensure that the legislation is effective?

- A.** A stakeholder working group is being formed to provide input on drafting the regulations that are required by Bill 37. In addition, a new provision has been included that requires a

three year review period which culminates with a report being tabled in the Legislature within a year.

8. Q. What is a secondary plan; and what changes are being made in Bill 37?

- A. Under section 234(1) of *The City of Winnipeg Charter*, council may by by-law adopt a secondary plan to provide such objectives and actions as council considers necessary or advisable to address, in a neighbourhood, district or area of the city, any matter within a sphere of authority of the city, including, without limitation, any matter dealt with in Plan Winnipeg; or pertaining to economic development or the enhancement or special protection of heritage resources or sensitive lands.

Bill 37 amends *The City of Winnipeg Charter* to adopt provisions already in *The Planning Act* that make it clear that secondary plan by-laws are adopted and amended in the same way as zoning by-laws. Bill 37 also establishes that development applications cannot be delayed, or permits withheld, pending the preparation or adoption of a secondary plan or an amendment to a secondary plan in the City of Winnipeg. This applies whether a secondary plan is adopted as a formal by-law or by council resolution as a policy document

PLANNING REGIONS:

9. Q. Why is the Regional Plan being prepared now before proclamation of Bill 37 and related regulations?

- A. In 2019, the Province of Manitoba mandated the Winnipeg Metropolitan Region with the unique and important responsibility of coordinating the drafting of Manitoba's first regional growth plan. Ever since, the WMR has been diligently working along a team of independent expert consultants to create a first draft.

Creating a capital region growth plan will deliver better infrastructure at lower cost, more investment and sustainable long-term planning for all 18 member municipalities. As such, being proactive and doing critical work ahead of the proclamation of Bill 37 and related regulations was deemed necessary.

10. Q. Will this draft Regional Plan be approved by the Province of Manitoba?

- A. No. The important work that the Winnipeg Metropolitan Region (WMR) board is undertaking will be provided to a new capital planning region board for the Winnipeg metropolitan area that will be created by Bill 37.

The Capital Region Planning Board is a different entity that will replace the Winnipeg Metropolitan Region Board. It will be responsible to prepare, consult, and adopt a formal regional planning by-law within two years after the date the planning region is established. The regional planning by-law will then be subject to the approval of the minister.

11. Q. Will the draft Regional Plan be modified based on stakeholder input?

- A.** Yes. WMR has been employing a broad engagement strategy in the preparation of the draft Regional Plan.

In addition, the new regional board will be required to provide notice and hold a public hearing to receive representations on a proposed regional by-law. And, those representations will be taken into consideration prior to second and third reading of a regional plan by-law.

This process also includes a formal review by government departments and agencies, similar to the current practice for local planning by-laws. The Minister of Municipal Relations will take comments submitted by government departments and agencies and other stakeholders into account in the decision regarding the By-law.

12. Q. How does the Regional Plan take into account the Noise Exposure Forecast Study for the Winnipeg International Airport?

- A.** The Noise Study was made widely available on March 2, 2021. Given the recent release of the Noise Study, the WMR team has not yet determined what implication the study findings has on their work. However, the WMR acknowledges the importance of the Winnipeg International Airport as a key asset for the region and a major linkage in the domestic and international supply chain and logistics network that is estimated to generate \$2.9 billion in direct economic output annually. The City of Winnipeg's Airport Vicinity Protection Area Secondary Plan must be generally consistent with the regional plan of the Capital Planning Region.

13. Q. How will the Regional Plan impact CentrePort?

- A.** CentrePort's comprehensive plan developed for the Inland Port Special Planning Area must be generally consistent with the regional plan of the Capital Planning Region.

14. Q. What is the mandate of a Planning Region?

- A.** The mandate of a planning region is to enhance economic and social development by improving and coordinating sustainable land use and development in the region through:
- (a) adopting a regional plan;
 - (b) facilitating and promoting regional considerations in providing infrastructure and services;
 - (c) leading the development of regional responses to the planning issues of its regional member municipalities; and
 - (d) identifying and promoting opportunities for the regional member municipalities to cooperate in the cost-effective development of infrastructure and the provision of services on a regional basis.

15. Q. What is the difference between a planning region and a planning district?

- A.** Planning regions promote regional collaboration around a common regional vision in planning for growth and coordinating regional services, economic development strategies and development of infrastructure in the region. They do not have an approval function for local development proposals.

Planning districts are responsible for adopting, administering and/or enforcing the planning by-laws of its members, including the development plan, zoning by-laws, building permits, variances and conditional uses. Municipalities that are not members of a planning district administer their own by-laws.

Within three years after its planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws and its drinking water and wastewater management plans to ensure that they are not inconsistent with the applicable regional planning by-law.

16. Q. What is the difference between the existing Winnipeg Metropolitan Region (WMR) organization and the proposed Capital Planning Region (CPR)?

- A.** The existing Winnipeg Metropolitan Region is a group of 18 municipalities established under The Capital Region Partnership Act. It provides a forum to share information, conduct research and discuss regional solutions to common issues facing municipal governments in the capital region.

The Winnipeg Metropolitan Region has made significant efforts to promote regional collaboration with success, such as emergency services and broadband internet delivery. The intent of Bill 37 is to build on this success, while ensuring that member municipalities of the Capital Region maintain local autonomy for deciding local matters.

Bill 37 repeals The Capital Region Partnership Act and creates the Capital Planning Region, with the same membership as the Winnipeg Metropolitan Region, and with a mandate to adopt a formal regional plan around a common regional vision in planning for growth on a regional basis.

For the new Capital Planning Region, member municipalities must agree on the amount or proportion of funding each will contribute to meet the expenses of planning region. Only in the event of no agreement, the Minister must prescribe the amount member municipalities must provide to the region. A copy of a planning region's annual budget must also be sent to all member municipalities and the Minister.

17. Q. Bill 37 names the eighteen (18) municipalities that will be part of the Capital Planning Region. How were these chosen?

- A.** Bill 37 builds on this existing partnership of the Winnipeg Metropolitan Region. The municipalities identified as members of the Capital Planning Region have a long history of regional leadership and collaboration as members of the Winnipeg Metropolitan Region. The membership of the planning region may be changed by regulation.

18. Q. Will stakeholders, the public, and industry have an opportunity to participate in the development of the plan and participate on the board of the Capital Planning Region?

- A.** The current Winnipeg Metropolitan Region has embarked on an engagement process in its preliminary work of drafting a regional plan due to its extensive background research and work in areas of regionalism. The Winnipeg Metropolitan Region's expert team will continue to consult with municipal administrators and other stakeholders to address and clarify technical considerations. This work will position the new Capital Region Planning Board to move in a timely manner to adopt its first plan.

Bill 37 also outlines minimum requirements to adopt a plan for the new Capital Region Board, similar to development plans, such as public notice and public hearings related to adopting a regional plan. It will ultimately be up to the planning region to determine the details of how it engages with the public and stakeholders.

19. Q. What role will member municipalities have in the creation and adoption of the Capital Planning Region plan? Will there be a formal public hearing when adopting a plan?

- A.** Member municipalities will make up the Capital Region Planning Board that develops and owns the plan that is subsequently approved by the Minister. The Province expects that the Capital Planning Region will follow best practices and employ a broad engagement strategy on the preparation of the regional plan, which includes consultation with member municipalities that, in turn, consult with their communities.

Bill 37 requires the process for adopting the regional plan to be generally consistent with that of adopting a development plan, which means at least one public hearing must be held on the regional plan to seek input and feedback from the public and key stakeholders. The regional plan adoption process will be articulated in more detail in the regulations.

20. Q. How detailed will the Capital Planning Region Plan be and how will municipal plans, bylaws, policies etc. be aligned with the Plan?

- A.** The regional plan is expected to be detailed enough to provide broad guidance to sustainable land use and development in the region, and provision of infrastructure, services and facilities within the region. The regional plan should not be so detailed as to replace the need for local municipal and planning district development plans. Upon Ministerial approval and adoption by the board, the regional plan will come into effect immediately.

Within three years after the planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws to ensure that they are not inconsistent with the regional planning by-law. Ministerial approval of the regional plan and municipal and planning district plans will help to ensure the plans are aligned.

- 21. Q. Under Bill 37, member municipalities of the Capital Planning Region must ensure their development plans are consistent with the regional plan. Does this limit the ability of local governments to set their own vision? What steps will be taken to ensure municipalities maintain autonomy over their long-range planning?**
- A. A planning region is not intended to replace local planning functions, nor is the regional plan intended to replace the need for local development plans. Regional plans are expected to deal with matters that impact the region more broadly, such as transportation, growth management and shared servicing. Each municipality will have representation on the Capital Planning Region board and are expected to provide input on the regional plan to ensure their local interests and needs are considered in the plan that benefits the region as a whole.
- 22. Q. Will the Capital Planning Region control development of public infrastructure and services in the region**
- A. No. The adoption of a regional plan does not require the board or member councils to undertake a proposal contained in the by-law. The Capital Planning Region will facilitate and promote regional considerations in providing infrastructure and services and identify opportunities for the member municipalities to cooperate in the cost-effective development of infrastructure and the provision of services on a regional basis.
- 23. Q. Why does Bill 37 give planning regions the powers of a natural person to business loans, investment and expropriation?**
- A. Bill 37 narrows scope of regional board's natural powers, such as acquiring land, to only for the purposes of implementing its regional plan. This is a more narrow authority than given to municipalities, and is more comparable to planning districts, which are considered a successful model for cooperation.
- 24. Q. What will happen to the planning districts in the Winnipeg Metropolitan Region? Is there still a role for them?**
- A. The role of planning districts in administering and enforcing their development plans, administering zoning by-laws or hiring building officials does not change under Bill 37. However, Bill 37 also allows a planning region with the agreement of a regional member municipality, administer and enforce the development plan by-law, secondary plans, zoning and building standards and bylaws of members.
- 25. Q. Do Planning Regions represent an added layer of government that add costs to the land use planning process?**
- A. Planning regions are central to the Province's vision for growth and greater economic competition on a global scale. A coordinated regional approach to development and greater regional collaboration will generate incremental economic growth and savings that benefit all. Any potential new costs associated with planning regions is expected to be more than offset by the shared benefit of higher growth (i.e., increased property values, job creation etc.) Planning regions do not approve development proposals – those are approved at the

local level, so planning regions will not hold up development nor add another layer of bureaucracy.

26. Q. How does this model compare to regions in other jurisdictions?

- A. Every jurisdiction is unique. Manitoba looked at a number of jurisdictions and a number of provinces already have a regional planning system in place (Alberta, Ontario and Nova Scotia for example). Bill 37 adopts best practices found in other jurisdictions to create a made in Manitoba model.

27. Q. What role do Indigenous communities have in regional planning?

- A. All the municipalities and planning districts in the Winnipeg Metropolitan Region are committed to working collaboratively with local Indigenous communities and organizations. On March 1, 2019, the municipal leaders of the Winnipeg Metropolitan Region and the Chiefs of the Southern Chiefs' Organization entered into a Memorandum of Understanding formally agreeing to work together on common goals and interests.

28. Q. How will member municipalities, including the City of Winnipeg, be represented on the Capital Planning Region board? Who will control the Capital Planning Region Board? How will it operate and make decisions?

- A. Bill 37 states that each member municipality will have at least one representative on the board. It requires the board to make by-laws respecting board procedures, conduct of meetings, code of conduct and authorizes the board to may make by-laws establishing fees and charges for any services it provides, and any other matter it considers for efficiently carrying out of the mandate of the region.

Bill 37 also enables the minister to adopt regulations establishing the voting structure for the planning region, including the possibility of providing that the votes of the respective regional member municipalities may be weighted in approximate proportion to their relative populations, land values, degree of development activities or any other factor considered relevant by the minister.

The Province will be consulting with all stakeholders on additional matters related to board structure and membership, including voting and other operational matters, of the Capital Planning Region, which will be established in regulation.

29. Q. Are any other planning regions being considered outside the capital region?

- A. Bill 37 outlines a process that would enable a group of municipalities to propose the formation of a region in their area to the Minister. The proposal would need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of a major region of the province. In recognition of local autonomy, Bill 37 requires the Minister to consult with the council of each municipality proposed to be included in a new planning region.

PLANNING APPEALS

30. Q. What are the main changes to planning appeals?

- A. Bill 37 introduces more fairness into the planning system by allowing applicants to appeal decisions to the Municipal Board on secondary plans, zoning by-laws, conditional uses and subdivisions, including conditions on approvals of zoning bylaws, secondary plans, conditional uses, subdivisions and development agreements, and missed timelines.

The Bill also aligns with existing provisions in *The Planning Act* to allow City of Winnipeg residents to appeal re-zonings (and secondary plan by-laws). To appeal, there must be second objections from 25 eligible voters (or 50% of the registered owners within 100m).

31. Q. Why do councils have to provide written reasons for rejections of development proposals? Does Bill 37 remove decision-making authority from councils?

- A. Bill 37 requires that planning authorities provide written reasons for rejections or denials of development proposals to support a consistent, transparent and accountable decision-making process that is based on conformity/compliance with by-law policies, standards and criteria (i.e. by-laws) and supported by sound technical information.

The Province of Manitoba will be working with municipalities and planning districts to provide training and support around standards for documenting written reasons for decisions that limit any administrative burden while enhancing accountability and decision-making.

32. Q. Won't the new appeal provisions under Bill 37 result in increased costs and burden to municipalities and planning districts?

- A. The intent of Bill 37 is to enhance the transparency of planning processes. Bill 37 emphasizes the need for local planning decisions to be based on clear and published standards and requirements; and includes a new requirement for municipalities and planning districts to provide documented rationale for when a planning application is rejected.

Municipalities and planning districts will continue to exercise their authority in establishing local by-laws, standards and requirements. All planning appeals will be evidence based, which benefits all parties, including municipalities.

The Province anticipates that planning appeals would only be required because the matter could not be resolved within the processes established by municipalities and planning districts (i.e., there is no clear local standard or requirement that exists to justify local decision or decision is inconsistent with local by-laws and standards).

The result of this new process will be that planning processes are more clear and development and related economic growth and related municipal revenue is improved.

- 33. Q. Who will have to pay the cost of appeal hearings? Will appeals increase municipal staff and administration time as well as legal fees and other expenses?**
- A.** The Province does not anticipate a sustained increase in appeals where planning authorities adhere to mandated timelines and make decisions consistent with their approved by-laws.
- If a matter went to appeal, *The Municipal Board Act* currently gives the Municipal Board the discretion by whom and to whom it orders payment of the costs of any proceeding before the Board. Bill 37 extends this authority by giving the Board discretion to assign applicant costs against planning district or municipality where there have been unreasonable delays in dealing with planning applications.
- 34. Q. Does the Municipal Board have the expertise to hold hearings on planning issues? Who will be on the Board?**
- A.** The Municipal Board was established in 1926 and has many years of experience on a wide variety of municipal matters, including hearing zoning and subdivision appeals.
- What is changing is that the Board will be mandated to hear appeals from planning applicants whether they are located inside or outside the City of Winnipeg.
- The Board is an “Independent Body” appointed by Provincial Order-in-Council. Municipal Board Members are from various regions of the Province (urban and rural) and generally have experience in one or more areas of the Board's jurisdiction. The Province will ensure that the Municipal Board continues to have members appointed with knowledge of planning and development.
- The appellant and the planning authority may bring their own experts to the hearing, as they deem necessary. These experts may make presentations at the hearing and can cross-examine witnesses. All presentations and questions are made under oath or affirmation. The Board then considers the case as presented and renders its written decision.
- 35. Q. Does the Municipal Board have the capacity to take on this expanded role?**
- A.** The Province is working with the Municipal Board to ensure it has the processes and ability to manage an increase in its caseload. This includes a review of the current Municipal Board structure with an objective of ensuring efficient consideration of all matters as well as training for Municipal Board members and comprehensive information for municipalities, landowners and the public.
- 36. Q. How will the Board ensure consistent interpretation and decision making? How will the appeal committee ensure consistency of approvals and decisions?**
- A.** The Municipal Board continuously reviews its decisions, but its decisions are on a case-by-case basis based on the evidence presented. The proposed legislation also requires that rationale for decisions be documented. This will improve the record of decisions and increase transparency upon which consistency can be maintained and improved.

37. Q. How does the new appeal system compare to other jurisdictions?

- A. Bill 37 brings Manitoba in line with other jurisdictions across Canada that have adopted provincially mandated independent appeal tribunals at the local, regional and province wide level. The Manitoba approach is tailored to what is needed to grow our economy and we will continue to ensure that good practices are followed and updated.

38. Q. How is the Municipal Board funded? And, what resources will be available to the board?

- A. The Municipal Board is funded by the Province, but it also charges appeal application fees. Bill 37 allows the Board to assign costs on certain matters. The Province is in discussion with the Board to ensure the Board is capable of responding to any increase in planning-related appeals.

39. Q. How would the new appeals impact public participation?

- A. *The Planning Act* and *The City of Winnipeg Charter* already have in place a number of opportunities for public participation in planning decisions. Municipal Board hearings are public hearings and are open to the public, which has the opportunity for representation at these hearings.

Bill 37 also aligns with existing provisions in *The Planning Act* to allow City of Winnipeg residents to appeal re-zonings (and secondary plan by-laws). To appeal, there must be second objections from 25 eligible voters (or 50% of the registered owners within 100m).

40. Q. Won't the new appeal provisions under Bill 37 result in municipalities and planning districts being overburdened by planning appeals?

- A. Planning appeals are intended to be a last resort where case management is not a reasonable option. Municipalities and planning districts will continue to exercise their authority in establishing local by-laws, standards and requirements. All planning appeals will be evidence based, which benefits all parties, including municipalities.

As discussed with stakeholders, a number of matters will be addressed in policy and regulation, as well as training materials, such as appeal parameters including identifying scope of appeals to align with provincial land use policy; establishing mechanisms to mitigate frivolous appeals including municipal best practices for resolving disputes before they reach the appeal stage, clear processes for where case management can be an alternative, assignment of costs, appeal fees and requirements to appeal.

SERVICE STANDARDS (PLANNING TIMELINES)

41. Q. What are the new planning service standards or timelines under *The Planning Act* and *The City of Winnipeg Charter*?

- A. Most planning applications are decided by local councils, designated committees, or planning district boards within the timelines proposed. If the applicant and the planning authority are working collaboratively there should be no need to appeal to the Municipal Board if a timeline is not met.

The timelines prescribed in Bill 37 vary based on the type of application, ranging from 20 days for the acceptance of an application to 150 days as listed below: 20 days (acceptance of completed development permit)

- 60 days (minor subdivision, Municipal Board report/decision)
- 90 days (conditional use, development agreement)
- 120 days (Municipal Board to schedule hearing)
- 150 days (secondary plan, zoning, subdivisions)

Note: Timelines are calendar days, not working days.

42. Q. What is the purpose of introducing new mandatory timelines on planning processes and decisions?

- A. Timelines on planning processes are not new in Manitoba. *The Planning Act* and *The City of Winnipeg Charter* already require municipalities and planning districts to meet certain timelines (i.e., public hearing notice). It ensures timely decision making. For example, in the rare circumstances where an applicant and the municipality or planning district board have reached an impasse, the applicant can request that the matter be resolved by an impartial third party – The Municipal Board. This change will enhance client services and prevent planning processes from becoming bogged down in bureaucracy and red tape. Timely processing of applications is good for the economy and provides the certainty needed for development and investment.

43. Q. How will timelines be enforced?

- A. Bill 37 allows an applicant to access an independent third-party in the rare case where conflicting viewpoints can not be resolved by both parties. An applicant can appeal a missed timeline to the Municipal Board. The Board has the power to assign costs to the planning authority if there were unreasonable delays in processing the application.

44. Q. What happens if the developer and municipality are unable to come to terms on a development agreement within the mandated timeline?

- A. Both parties have positive reasons to reach an agreement. However, if the applicant believes the municipality is making demands that are not consistent with published guidelines, standards or criteria, or is unnecessarily delaying the process for reaching an agreement, they may appeal to the Municipal Board.

45. Q. Are there any special considerations for development agreements or subdivision timelines for large-scale livestock operations that take into consideration the province's technical review process?

- A. Yes, the timeline for large-scale livestock begins when the Technical Review Committee report is sent to the municipality.

46. Q. Why will Bill 37 enable development agreements to be attached to development permits?

A. Municipalities, including the City of Winnipeg and City of Brandon have formally requested that the Province address their concerns. Enabling development agreements as part of the development permit process may streamline subdivision or rezoning processes by allowing municipalities to defer certain engineering or site design considerations to the development permit stage. In some cases it also may enable applicants to potentially pre-zone lands as a means to market their properties for sale while deferring other more detailed design considerations, including off-site infrastructure impacts and contributions to the future owner at the development permit stage. The Department will be consulting on further parameters placed around the use of development agreements attached to permits in regulation.

47. Q. Are the appeals and service standards prescribed in Bill 37 applicable to all municipalities and planning districts across the province?

A. Yes, one of the key objectives of Bill 37 is to create a more consistent planning framework across the province.