The Planning Amendment Act and The City of Winnipeg Charter Amendment Act (Bill 48)

Frequently Asked Questions

General

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

A: Bill 48 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.

The proposed legislation will enhance opportunities for economic growth and ensure Manitoba remains competitive and attractive for business and job growth.

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

A: Bill 48 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.

Q: Who has the Province consulted with?

A: Bill 48 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.

On December 20, 2019 the Province released a public action plan to address the recommendations of the 2019 Review of Planning, Zoning and Permitting as part of its 100-Day Action Plan. And since March 19, 2020, following introduction of Bills 48 and 49 at First Reading, the Minister and Department have been holding technical briefings with key stakeholders to receive input and answer questions about the proposed legislation.

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 annual planning grants of up to $75,000 to support planning by-law reviews.

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

Q: **How will Bill 48 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.

Q: **When will Bill 48 take effect?**

A: Changes prescribed under Bill 48, 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 ways to implement the proposed changes.
Planning Regions

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.

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.

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 and wastewater management plans to ensure that they are not inconsistent with the applicable regional planning by-law.

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 48 is to build on this success, while ensuring that member municipalities of the Capital Region maintain local autonomy for deciding local matters.

Bill 48 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.

Q: **Will the Capital Planning Region control development of public infrastructure and services in the region?**

A: No. 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.

Q: **Why does Bill 48 give planning regions the powers of a natural person to business loans, investment and expropriation?**

A: For the purpose of carrying out its mandate, a planning region has the capacity and powers of a natural person, similar to planning districts.

Subject to any restrictions specified in the regulations, a planning region may:

a) acquire and hold any interest in real or personal property and sell, mortgage, lease or otherwise deal with or dispose of any interest in real or personal property;

b) receive, expend, loan and invest money;

c) borrow money and give security for the repayment of money borrowed; and

d) exercise any other powers that are necessary to carry out its mandate.

The acquisition of real property may be by expropriation. Similar to the powers given to municipalities and planning districts, planning regions are also being granted the authority to expropriate in instances where an adopted regional strategy is being implemented.

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 48. However, Bill 48 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.

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 48 adopts best practices found in other jurisdictions to create a made in Manitoba model.

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.

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?

A: Bill 48 states that each member municipality will have at least one representative on the board. 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.

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

A: Bill 48 outlines a process that would enable a group of municipalities to propose the formation of a region in their area to the Minister.

Planning Appeals

Q: What are the main changes to planning appeals?

Bill 48 introduces more fairness into the planning system by allowing landowners and 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.

Q: Does Bill 48 remove decision-making authority from councils?

A: Councils and planning districts will continue to have legal responsibility for adopting, administering and enforcing planning by-laws.

Bill 48 requires that planning authorities provide written reasons for rejections of development proposals to support a consistent and transparent decision-making process reflecting policies and standards in local development plans and zoning by-laws, and backed by sound technical information.

Q: Does the Municipal Board have the expertise to hold hearings on planning issues?

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 Province will ensure that the Municipal Board continues to have members appointed with knowledge of planning and development.

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.
The Board is already undertaking a ‘case management’ approach (a form of arbitration) to reduce the cost of hearings and speed up the appeals process by reducing the number of appeals that proceed to a full hearing.

**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.*

The cost of a case management meeting would be significantly less than a full appeal hearing because it requires a single board member and typically less time.

Bill 48 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.

**Q:** How does the new appeal system compare to other jurisdictions?

**A:** Appeal systems vary widely across the country. Ontario currently appears to have the greatest number of appeal mechanisms. Bill 48 will bring Manitoba closer to the Ontario level of available appeals.

**Q:** How would the new appeals impact public participation?

**A:** Bill 48 does not change the current public notification and hearing system for planning matters, however, it adds new avenues of appeal.

*The Planning Act and The City of Winnipeg Charter outline a number of opportunities for public participation. The public will continue to have multiple opportunities to participate in planning decisions. For example, public notice and public hearings on development proposals will continue to be required. As well, the City of Winnipeg has its own internal processes that allow third parties to have their concerns heard.*

**Service Standards (Planning Timelines)**

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

**A:** The timelines prescribed in Bill 48 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)
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).

Bill 48 introduces additional timelines to 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.

Q: **How do the timelines compare to other jurisdictions?**

A: Bill 48 adopts best practices from other jurisdictions regarding planning timelines, with Ontario being the most comparable.

Q: **How will timelines be enforced?**

A: 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.

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

A: The applicant may appeal to the Municipal Board if the applicant believes the municipality is being unreasonable or is unnecessarily delaying the agreement.

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.

Q: **Are the appeals and service standards prescribed in Bill 48 applicable to all municipalities and planning districts across the province?**

A: Yes, one of the key objectives of Bill 48 is to create a more consistent planning framework across the province.