



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Robin Prentice, MCIP, RPP
Position: Director of Development Services
Title / Subject: Consent Application Transition
Date of Report: November 15, 2023
Date of Meeting: November 27, 2023
Report No: 2023-DS-019

1.0 Issue / Origin

Bill 23, the More Homes Built Faster Act was passed by the Province in November 2022, introducing fundamental changes to the land use planning system in Ontario through legislative amendments to the Planning Act. These changes are intended to streamline the development approval process and increase housing supply in Ontario, Proclamation of certain aspects of Bill 23 has not yet occurred and a proclamation date is not known at this time.

Under Bill 23, the Region of Durham was defined as “Upper-Tier Municipalities without Planning Responsibilities” and the local area municipalities will be required to assume the approval responsibilities for applications, such as consents, subdivisions, condominiums and part-lot control exemption by-laws. The purpose of this report is to provide an update and recommend updates to the Township’s by-laws and procedures to address the transfer of approval responsibilities for consent applications from the Region of Durham to the Township of Brock effective January 1, 2024.

2.0 Background

“Consent” is the term used in the Planning Act when referring to the creation of new lots (i.e. severances), lot line adjustments, easements, rights-of-way, and permission for mortgaging or leasing parts of lots for more than 21 years.

In 1974, Regional Council delegated the authority for the granting of consents to the Regional Land Division Committee. Durham Region is unique within the Greater Toronto Area (GTA) whereby Land Division responsibilities are assumed by the Regional Land Division Committee with representation from each area municipality. In other jurisdictions in the GTA, such as York Region and Simcoe County, consent responsibilities are assumed by local Committees of Adjustment, with minor variances and related consent applications considered concurrently.

In October 2023, in response to Bill 23, Regional Council passed By-law No. 61-2023 to delegate Regional Council's Land Division responsibilities and authority to grant consents under the Planning Act to each of the Region's area municipalities. The last day for accepting applications to the Region's Land Division Committee was October 20, 2023, with the final meeting of the Region's Land Division committee to be held in December 2023. Any new consent applications will then need to be filed with and processed by the respective area municipality.

3.0 Analysis

Under Section 54 of the Planning Act, R.S.O. 1990, Council may delegate the authority for the giving of consents under Section 53 of the Planning Act, R.S.O. 1990, to the Committee of Adjustment. Township Council has already delegated minor variance applications to the Committee of Adjustment. All of the area municipalities within York Region currently delegate consent applications to the local Committees of Adjustment, so Committee meetings handle both minor variance and consent applications. Staff recommend that Council update the Township's Delegation of Authority By-law to delegate the authority for consent applications to the Township's Committee of Adjustment and update the Terms of Reference for the Committee to address consent applications. This will allow the Township's Committee of Adjustment to start considering new consent applications at their regularly scheduled meetings starting in January 2024. Township staff currently include notices of minor variance applications and consent applications on the Council Information Index for Council and the general public's information and will continue to do.

In preparation for this transition, the Township chose to assign a representative from the Committee of Adjustment to the Regional Land Division Committee for this term. Kitty Bavington is the Township's representative on the Land Division Committee and is also on the Township's Committee of Adjustment. Ms. Bavington's past work experience and knowledge with committee of adjustment and severance applications at the Regional Land Division Committee will help other Committee members with this transition.

Township staff have been working with Regional staff to transfer various documents used as part of the consent application process, including sample letter templates, forms and standard notices, etc. Township staff have been working to establish a consent application form for the Township and will post information regarding the new process on the Township's website. Township staff are also working to get minor variance and consent applications up and running through CloudPermit and hope such applications can start to be processed through CloudPermit in Q1 2024. Regional planning staff will also be providing training regarding consent applications to Township staff and local Committee of Adjustment members.

Regional Planning will continue to process existing open files that were handled by the Regional Land Division Committee to enable clearance of conditions of existing severances for a period of up to two years until all active files have been cleared, or existing conditions have lapsed. Retention of existing active files during this transition period will allow applicants to continue under existing Regional processes for clearing conditions and approval of final plans.

As of January 1, 2024, new consent applications will need to be considered by local Committees of Adjustment. The conditions imposed locally would then be cleared by the local municipalities. It is anticipated that consent activity will be approximately one new application per month, however, consent applications require more work than a minor variance application as they are

often associated with conditions that need to be cleared before the proposed severance, lot line adjustment, easement or lease can be registered.

Given the nature of consent applications, legal support is required. Township staff, along with Uxbridge and Scugog, will be submitting a request to the Region of Durham for legal support to assist with consent applications that will now be processed by the area municipalities. This support would involve legal clerk assistance with respect to confirming ownership/title searches, reviewing required legal documents, and assistance with the stamping of deeds. Legal advice and assistance would also be required in the event that local municipal staff have questions about specific applications. Should Regional legal staff be unable to provide legal support for consent applications to the Township, the Township would need to retain a third-party solicitor. Similar to the existing process, all legal fees would be paid by the Township and subsequently billed back to the applicant.

Also, if there is an appeal of a consent application, the Township would retain a third-party solicitor to assist in the appeal to the Ontario Land Tribunal (OLT).

4.0 Related Policies / Procedures

This report is proposing changes to the Township's Delegation of Authority By-law No. 2018-2007-AP, the Planning Fees By-law No. 3000-2021 and the terms of reference for the Committee of Adjustment to streamline the application and approvals process for consent applications.

5.0 Financial / Budget Assessment

The transition of consent applications to the Township will result in additional work for Development Services staff from an administrative perspective. As a result, Township staff recommend that the application fee for consent applications be increased to cover staff time and expenses associated with processing consent applications. It is also recommended that the fees for minor variance applications also be increased to more accurately cover staff time.

Consent		Minor Variances	
Current Fee	Proposed Fee	Current Fee	Proposed Fee
\$650	\$1,500	\$750	\$1,200

The tabling fee currently applied to minor variance applications is proposed to be increased from \$170 to \$350 and will also apply to consent applications to cover any re-circulation costs.

In looking at surrounding municipalities, minor variance and consent application fees are considerably higher than what is currently being charged by the Township. It is important to note that the consent application fees for the Durham Region municipalities are based on the current process through the Regional Land Division Committee, whereas the fees for the other municipalities reflect applications through their Committee of Adjustment. It is anticipated that other area municipalities within Durham Region may review and amend their consent application fees in response to the transition of these applications from the Region. The proposed application fees for the Township would still be below the average application fees for surrounding municipalities (which is approximately \$2,500 for consents and \$1,600 for minor variances), as outlined in the table below.

Municipality	Consent Application (Base fee¹)	Minor Variance Application
Brock	Current: \$650 Proposed: \$1,500	Current: \$750 Proposed \$1,200
Region of Durham	\$1,350 ²	N/A
Scugog	\$1,725	\$1,850 - 2,480
Uxbridge	\$1,615	\$815
Clarington	\$760	\$670 - 2,000
Oshawa	\$787	\$782 - 1,874
Ajax	\$3,285	\$1,550 – 3,294
Pickering	\$2,600	\$820 – 2,400
Georgina	\$5,973	\$1,608
East Gwillimbury	\$3,994	\$1,953
Stouffville	\$7,503	\$3,642
Ramara	\$1,200	\$1,000
Orillia	\$1,320	\$1,010
City of Kawartha Lakes	\$1,250 - 1,285	\$1,427

1. Some municipalities outside of Durham Region also apply an additional fee per each new lot created on top of the base fee outlined in the table.
2. The Region of Durham also charges a \$500 review fee for Regional Planning and \$1,000 stamping fee.

6.0 Climate Change Impacts

There are no anticipated impacts as a result of this report and associated by-law amendments.

7.0 Communications

The Region has updated their website to notify the public of the process changes with respect to consent applications. The Township's website will be updated to outline the revised consent application process through the Township.

8.0 Conclusion

Township staff recommend the Delegation of Authority By-law be amended by the By-law in Attachment 1 to delegate help streamline the Township's development application and approvals process in response to the direction from the Provincial government in Bill 23 and the Region's delegation to the area municipalities. Staff also recommend the appropriate revisions be made to the Terms of Reference for the Committee of Adjustment as outlined in Attachment 2 and that the fees associated with consent and minor variance applications be increased to fully cover the costs of processing these applications (as outlined in Attachment 3).

9.0 Recommendation

Be it resolved that staff report 2023-DS-019, regarding Consent Application Transition, be received; and,

That the proposed amendment to the Delegation of Authority By-law appended to this report as Attachment 1 be brought forward for approval to delegate approval authority of consent applications to the Committee of Adjustment;

That Council approve the revised Terms of Reference for the Committee of Adjustment appended to this report as Attachment 2 to address consent applications;

That the proposed amendment to the Planning Fees By-law appended to this report as Attachment 3 be brought forward for approval to recover the costs associated with the transition of consent applications to the Township.

Attachments:

Attachment 1 – Draft Delegation of Authority By-law Update

Attachment 2 – Revised Terms of Reference for the Committee of Adjustment

Attachment 3 – Draft Planning Fees By-law Update