

Municipality of East Ferris

Report to Council

Report No.: PLAN-2020-03

Date: July 14, 2020

Originator: Greg Kirtan, Manager of Planning and Economic Development

Subject: Powers of the Committee of Adjustment re: Consent to Sever Applications

RECOMMENDATION

1. That staff prepare a By-law to authorize the delegation of decision making authority on Consent to Sever applications to the Committee of Adjustment.
-

BACKGROUND

The *Planning Act* in Ontario allows for Municipal Councils to delegate the authority on decision making for a variety of planning application types in different ways. The Municipality of East Ferris currently delegates authority for the review and decision on Minor Variance applications to the Committee of Adjustment.

In addition to Minor Variance applications, many municipalities in Ontario also have their Committee of Adjustment deal with Consent to Sever applications. In East Ferris, we currently have the Planning Advisory Committee first review Consent to Sever applications, followed by a decision being made by Council at a future meeting.

There would be two major benefits to amending the process to have the Committee of Adjustment also be the decision making body for Consent to Sever applications:

- 1) It would avoid conflicting situations where a Consent to Sever application has related Minor Variance applications. Under our current system, this is especially awkward to deal with from a procedural point of view when a variance is required in conjunction with a consent application for a regulation such as a minimum lot frontage requirement. It means that two different decision making bodies (CoA and Council) would need to independently decide the outcome of the Minor Variance application and Consent to Sever application separately, despite the applications being inherently linked and required to be reviewed together to fully understand them.
- 2) The process would be simplified and streamlined for applicants and the timeline to complete a Consent to Sever application would be reduced. An additional benefit would also be time savings from an administrative perspective for staff, as only one agenda and one meeting would be required on most nights. Minor Variance and Consent to

Sever applications are the two most commonly received application types and grouping them together on the same agenda for the same meeting would be an improvement in efficiency.

If a situation arose where Council felt that a decision made by the Committee of Adjustment, on a Consent to Sever application, was contrary to the East Ferris Official Plan or another criteria for severance, then Council could exercise their appeal rights. This would be identical to what Council may currently do with regards to Minor Variance applications that are approved or refused by the Committee of Adjustment. Real world examples of this situation are extremely rare and the practical benefits of delegating authority to the Committee of Adjustment for decisions on Consent to Sever applications outweigh any potential negatives.

If the Committee of Adjustment were to take on the role of being the decision makers on Consent to Sever applications, this would not change the role of the Planning Advisory Committee or Council with regards to Zoning By-law Amendments, Official Plan Amendments, Draft Plan of Subdivision applications, and other planning related matters that they currently deal with, outside of Minor Variances and Consent to Sever applications.

OPTIONS

1. Option 1

That staff prepare a By-law to authorize the delegation of decision making authority on Consent to Sever applications to the Committee of Adjustment.

2. Option 2

That no further action be taken and the current decision making framework stays in place. (status quo)

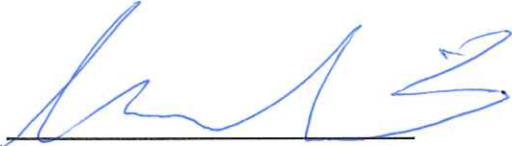
FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this proposal.

RECOMMENDATION

It is recommended that staff prepare a By-law to authorize the delegation of decision making authority on Consent to Sever applications to the Committee of Adjustment.

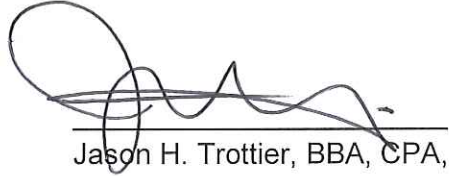
Respectfully Submitted,



Greg Kirton

Manager of Planning and
Economic Development

I concur with this report,
and recommendation



Jason H. Trottier, BBA, CPA, CMA

CAO/Treasurer