

Theme: Streamlining development approvals Contributor: Legal Primary Associated ERO Postings (Deadline): <u>Proposed Amendments to the Ontario Land Tribunal Act, 2021 (November 25th)</u>			
Summary of Changes	Staff Comments/Questions	Guiding Principle (see the Options considered section of the hyperlinked report) (indicate support or concern)	Approaches or alternatives for consideration
Clarify the OLT's powers to dismiss appeals due to unreasonable delay by parties. Prior to dismissal, parties would be given notice of the OLT's intent to dismiss and an opportunity to respond in accordance with the OLT's Rules of Practice and Procedure.	<ul style="list-style-type: none"> As noted, this change is a clarification of the powers to dismiss an appeal that the Tribunal currently has, and accordingly, it is not clear it is necessary. It is unclear if this clarification will result in more dismissals. As the City is not an appellant of matters, the potential impact of this clarification to the City is limited. 		
Clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs. This proposed amendment is intended to encourage parties to reach an agreement without going through the Tribunal. If the OLT decides to award costs, costs	<ul style="list-style-type: none"> Again, this change is a clarification of powers the Tribunal's current authority to award costs. Despite already having broad authority to award costs, the Tribunal rules (and the rules of its predecessors) have established a rule requiring that the conduct of the party be unreasonable, frivolous or vexatious before costs will be awarded against them. This approach recognizes that the Planning Act establishes a public system for planning, and parties who engage in that system in good faith 	<p>Concern:</p> <p>Public Engagement - if members of the public or public entities are deterred from participating in these processes for the fear of cost implications.</p> <p>Growth Pays for Growth – if municipalities start to face costs awards against them where they are participating in good faith, the cost burden of municipal participation in</p>	

would be ordered in accordance with its Rules of Practice and Procedure, which could address when costs for a successful party may be awarded.	<p>and with reasonable conduct should not be punished for doing so.</p> <ul style="list-style-type: none"> • The impact on participation, for the general public or the City, in hearings will be determined by whether the Tribunal will change its rules in response to this clarification on its existing powers. • Further, in planning matters, it is not always clear as to who the successful or unsuccessful party is, as the Tribunal can approve parts of an application and refuse others, and as applications often change throughout the appeal process. 	its own land use planning system and the costs of the applicant will fall to tax payers	
Enable priority criteria to be established in regulation to help ensure that OLT cases that create the most housing, for example, will be resolved as quickly as possible. A new Lieutenant Governor in Council (LGIC) regulation under the OLTA would be developed after consultations with affected ministries and posting on the Regulatory Registry.	<ul style="list-style-type: none"> • The impacts of this new regulatory authority will not be fully understood until the regulations have been released. • Concern that if site-specific applications for residential intensification is prioritized above all other files, it may result in other elements of complete communities, such as employment uses, or comprehensive municipal plans for the City or specific areas being significantly delayed 	Concern: Complete Communities – if applications for residential development are prioritized to the detriment of other types of applications and municipally initiation instruments, the vision for complete communities will not be realized.	
Enable service standards (i.e., timelines) for specific case resolution activities at the OLT	<ul style="list-style-type: none"> • Again, the impacts of this new regulatory authority will not be fully understood until the regulations have been released 		

to be set in regulation. A new Minister's regulation under the OLTA would be developed after consultation with the public and stakeholders via a posting on the Regulatory Registry.	<ul style="list-style-type: none">• In establishing timelines, it is important to reflect the time required for City staff to obtain instructions from City Council as necessary		
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