

Freeze lifted on new zoning bylaw applications

By Brock Weir

A two-year freeze implemented by Council last year to prevent zoning bylaw amendments being accepted at Town Hall was thawed out early last week as Ontario fleshes out provisions for a Municipal Board-free province.

Lifting the two year freeze on residential planning act applications, which was instituted last June, came through a motion introduced jointly by Councillors Sandra Humfries and Harold Kim.

It also followed on the heels of a decision made at the previous week's General Committee meeting to accept an infill application on Kennedy Street West the very day the Ontario Municipal Board (OMB) was formally scrapped.

?Lots of things have changed over the last couple of weeks, some positive in terms of the accountability and responsibility of the municipalities for all development applications,? said Councillor Humfries, speaking in support of her motion. ?I hope our peers would allow the [applications] that were, so to speak, in the file to move forward and allow them to progress without having the two year freeze that was worth looking at. I hope we have that support around the table. There are some developments I believe really need to move forward.?

The push for reforming the OMB was led by Aurora Councillors Tom Mrakas and Michael Thompson, who spearheaded an inter-municipality working group that carried the charge.

With the OMB now in the history books, both Councillors supported the motion.

?When we put forward the two year freeze, and I was the one who pushed really hard to make sure we implemented and used the tool that the Province provided us,? said Councillor Mrakas. ?But, I also said at the time that if Bill 139 ultimately does pass and does get implemented, which it has, that I would have no problem removing that two year freeze to allow the applications to come forward into public planning and follow our regular procedure and process.

?Considering Bill 139 has passed, it has enabled us, as a municipality, to have the authority to make the final call and final decision on planning applications when they come to us. Previously, they could overturn our decision. If you read the legislation, the local planning tribunal will not be overturning decisions; they will be looking at it from a legal point of view of a yes or a no.?

Added Councillor Thompson: ?Municipalities have been advocating for a long time for more say in how their communities are built. Bill 139 has given us that ability and now with the establishment of a local appeal tribunal and the regulations? I am quite comfortable with removing the two year freeze.?

Going forward, Councillor Mrakas said that if Council decides to say no to a particular application and the applicant decides to appeal Council's decision to a Local Appeals Tribunal, the case will be looked at in the context of whether the Council in question followed their respective municipality's Official Plan and other local planning measures.

?If we did, and it meets that, that's the end of it. If we didn't, they will send it back to us for a second reading and a second look at it to say you need to reconsider this,? said Councillor Mrakas. ?They will not, at the end of the day, have the authority to overturn our decision, so I am very comfortable in removing the two year freeze to allow this. We have worked so hard as elected officials, right across this Province, to get this. Now that we have it, we need to own up to it, stand up and take the responsibility to make a decision on behalf of our residents.?

The motion to remove the freeze was approved unanimously.