Minutes – Executive Policy Committee – December 7, 2016

REPORTS

Item No. 16 Review of Development Procedures By-law No. 160/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee directed the Public Service, including, but not limited to the Legal Services Department, Property and Development Department, City Clerk's Department, Office of the City Auditor, and the Office of Public Engagement, to collaborate and conduct a review of the Development Procedures By-law No. 160/2011 that includes consultation with the stakeholders, and report back to the Executive Policy Committee with results of the review and any related recommendations to improve clarity and increase the openness and fairness of the processes contained within the By-Law.

DECISION MAKING HISTORY:

The Chairperson called Councillor Pagtakhan to the Chair in order to move the following motions:

Moved by His Worship Mayor Bowman,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by His Worship Mayor Bowman,

WHEREAS the Development Procedures By-Law No. 160/2011 provides procedures for development applications and related matters;

AND WHEREAS Part 4, *Public Hearing Process, Notice, Appeals*, Section 1.A. ix. of the Development Procedures By-Law states that:

> "The public hearing is the only opportunity for members of the public and the applicant to voice their opinions to the decision making body on the merits of the proposed development and development applications. No new information may be presented to the decision making body after the conclusion of the public hearing unless public representations are re-opened at the original hearing body to consider new information;"

AND WHEREAS new and additional information has occasionally been provided from applicants and public through advertising and communications to the decision making body outside of the public hearing process;

AND WHEREAS under Part 1: *Draft Applications* Section 1, the Development Procedures By-law states "a prospective applicant can make a draft application whereby preliminary, written input can be obtained from appropriate City departments as well as the ward councillor about the opportunities and constraints of a specific development proposal;"

AND WHEREAS Part 4, *Public Hearing Process, Notice, Appeals*, Section 1.A. ii states that:

> "Members of the hearing body constitute an impartial body that 'hears' all sides on the merits of the proposal in a public forum before making a recommendation or decision (as the case may be). Contact with members of the public, including the applicant, discussing matters related to the application outside the public hearing is considered inappropriate in this quasi-judicial forum;"

DECISION MAKING HISTORY (continued):

AND WHEREAS members of the development community, members of the public, and members of City Council comprising the hearing body have cited concerns about the clarity and fairness outlined in the processes contained within the Development Procedures By-Law;

AND WHEREAS it is beneficial to ensure City Hall hearing processes provide clarity for all involved parties so that a fair process can be obtained;

THEREFORE BE IT RESOLVED that the Public Service, including, but not limited to the City Legal Services Department, Property and Development Department, City Clerk's Department, and Office of the City Auditor, and the Office of Public Engagement, be directed to collaborate and conduct a review of the Development Procedures By-law that includes consultation with the stakeholders, and report back to the Executive Policy Committee with results of the review and any related recommendations to improve clarity and increase the openness and fairness of the processes contained within the By-Law.

Carried

His Worship Mayor Bowman resumed the Chair.