REPORTS

Item No. 16 Authority for Determining Completeness of a Development Application

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to Council:

1. That a by-law be enacted to amend the Development Procedures By-law No. 104/2020 in accordance with this report (draft amending by-law is attached as Appendix A to this report), with the following amendment:

   A. Amend Section 2 – Section 5.1 added, as follows:

      i. In Section 5.1(3), delete the words "SPC may direct the Public Service to:" and replace with "SPC must direct the Public Service to do one of the following:"

      ii. In Section 5.1(3)(b), delete the word "confirm" and replace with "determine" and delete the word "incomplete" and replace with "complete"

      iii. Delete Section 5.1(4) in its entirety and replace with the following:

         "5.1(4) The SPC must provide supporting reasons for any motion made in accordance with Subsection 5.1(3)"

2. That the Public Service be directed to report back in January 2027, with recommendations regarding a fee for the appeal of incomplete development applications, should it be determined that an appeal fee is warranted.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

The Chairperson called Councillor Wyatt to the Chair in order to move the following motion:

Moved by Councillor Duncan,

That the recommendation of the Winnipeg Public Service be concurred in, with the following amendments:

- In Recommendation 1, delete the period after the words "Appendix A to this report)" and replace with the following:

  ", with the following amendment:

  A. Amend Section 2 – Section 5.1 added, as follows:

     i. In Section 5.1(3), delete the words "SPC may direct the Public Service to:" and replace with "SPC must direct the Public Service to do one of the following:"

     ii. In Section 5.1(3)(b), delete the word "confirm" and replace with "determine" and delete the word "incomplete" and replace with "complete"

     iii. Delete Section 5.1(4) in its entirety and replace with the following:

     "5.1(4) The SPC must provide supporting reasons for any motion made in accordance with Subsection 5.1(3)"

- In Recommendation 2, add the words "in January 2027," after the words "report back"

and forwarded to the Executive Policy Committee and Council.

Carried

Councillor Duncan resumed the Chair.

COUNCIL DECISION:

On November 27, 2025, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

1. That the Winnipeg Public Service be granted an extension of time to the December 4, 2025 meeting of the Standing Policy Committee on Property and Development to report back on the following:

    A. Restore shared authority to declare a development application to be complete, matching the language prescribed in Part 2(B)(vi) of (*repealed*) By-Law 160/2011, so that "the Standing Policy Committee, Executive Policy Committee or the Director" would each hold the same authority as any other "designated employee" to determine whether a development application was complete, and

    B. Additionally require that if the Standing Policy Committee or Executive Policy Committee consider a motion to declare a development application to be complete, the mover of any such motion must also submit in writing reasons for the proposed declaration motion via a letter to the appropriate Committee Chair, copied to Committee members and the Chief Administrative Officer, for that motion to be in order.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 18, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 7, 2025, the Standing Policy Committee on Property and Development submitted the following to the Executive Policy Committee and Council:

1. That the Winnipeg Public Service be granted an extension of time to the December 4, 2025 meeting of the Standing Policy Committee on Property and Development to report back on the matter.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY (continued):

COUNCIL DECISION:

On October 30, 2025, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Winnipeg Public Service be granted an extension of time of 30 days to report back on the matter.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete the words “180 days” and replace with “30 days”

and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On June 26, 2025, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That Public Service be directed to report back within 90 days with draft amendments to the Development Procedures By-Law that would:

    A. Restore shared authority to declare a development application to be complete, matching the language prescribed in Part 2(B)(vi) of (*repealed*) By-Law 160/2011, so that “the Standing Policy Committee, Executive Policy Committee or the Director” would each hold the same authority as any other “designated employee” to determine whether a development application was complete, and

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

B. Additionally require that if the Standing Policy Committee or Executive Policy Committee consider a motion to declare a development application to be complete, the mover of any such motion must also submit in writing reasons for the proposed declaration motion via a letter to the appropriate Committee Chair, copied to Committee members and the Chief Administrative Officer, for that motion to be in order.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing

ADMINISTRATIVE REPORT

Title: Authority for Determining Completeness of a Development Application

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	T. Graham	J. Dunford

EXECUTIVE SUMMARY

The Public Service recommends amending the Development Procedures By-law. The changes will allow applicants to appeal if their application is determined to be incomplete. The appeal will be made to the Standing Policy Committee on Property and Development. This report provides an explanation of what process changes are needed. It also highlights possible risks.

Finally, the report contains updates on efforts to reduce the number of applications that are incomplete.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Development Procedures By-law No. 104/2020 in accordance with this report (draft amending by-law is attached as Appendix A to this report).

2. That the Public Service be directed to report back with recommendations regarding a fee for the appeal of incomplete development applications, should it be determined that an appeal fee is warranted.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

At its June 26, 2025, meeting, Council adopted the following motion:

1. That Public Service be directed to report back within 90 days with draft amendments to the Development Procedures By-Law that would:

A. Restore shared authority to declare a development application to be complete, matching the language prescribed in Part 2(B)(vi) of (repealed) By-Law 160/2011, so that "the Standing Policy Committee, Executive Policy Committee or the Director" would each hold the same authority as any other "designated employee" to determine whether a development application was complete, and

B. Additionally require that if the Standing Policy Committee or Executive Policy Committee consider a motion to declare a development application to be complete, the mover of any such motion must also submit in writing reasons for the proposed declaration motion via a letter to the appropriate Committee Chair, copied to Committee members and the Chief Administrative Officer, for that motion to be in order.

IMPLICATIONS OF THE RECOMMENDATIONS

Should the Recommendations be concurred in, the Development Procedures By-law will be amended in accordance with the attached By-law (Appendix A). The changes to the Development Procedures By-law will:

1. Enable applicants who have applied for a development application and had their application deemed incomplete by the Public Service to appeal the incomplete status to the Standing Policy Committee on Property and Development.

2. Enable the Standing Policy Committee on Property and Development to hear appeals on incomplete development applications, and make one of the following decisions:

   A. Determine that the application is complete, subject to the payment of applicable fees based on its current status; or
   B. Confirm that the application is incomplete, but will be deemed complete provided the applicant submits additional information/documents, as deemed necessary by the SPC, and subject to the payment of applicable fees; or
   C. Confirm that the application is incomplete.

Further, the Public Service will monitor the new appeal process to determine whether or not a fee should be recommended for appeals of incomplete development applications. This fee would be required for the processing of the appeal and would be in addition to any applicable application fees. The amount of revenue generated from this new fee cannot be reasonably estimated at this time. The Public Service will evaluate the new process and report back, if needed, should it be determined that an appeal fee is warranted.

HISTORY/DISCUSSION

Development Applications

The City of Winnipeg's Development Procedures By-law ("DPBL") defines development applications as "an application submitted to a designated employee for approval of a proposed

development." Development applications are the primary regulatory instruments that request, evaluate, and approve / deny proposed land use changes in the City of Winnipeg. Each application serves a particular purpose and is selected based on what is proposed for the land. Among other things, development applications are used to change the zoning designation of a parcel of land, subdivide a parcel of land, open or close a street, vary one or more of the regulatory standards in the Winnipeg Zoning By-law, grant a conditional use, amend a zoning agreement, approve a site plan, etc. For a complete list of development applications defined in the Development Procedures By-law, please refer to Appendix B.

Regulation of Development Applications

Development applications in Winnipeg are governed by both the City of Winnipeg Charter ("The Charter") and the DPBL. The Charter provides the broad legislative authority for development applications to be made, and for the City to receive and process them. The DPBL builds on this authority by defining and regulating the specific types of development applications that may be submitted. Section 275(1) of The Charter enables four main categories of development applications:

- the adoption of, or an amendment to, a zoning by-law;
- the approval of a plan of subdivision, conditional use, or variance;
- an amendment to a development agreement; and
- consent to the registration or filing of a conveyance.

In addition to providing the legislative authority for development applications to be made, The Charter governs how development applications are deemed complete and required steps in this process. Specifically:

- Section 275(1.1) (b) requires a designated employee to determine if the application is complete within 20 days of receiving the application.
- Section 275 (1.2) provides authority for an application being deemed complete "if in the opinion of the designated employee, the application contains the documents, fees and other information necessary to review the application."
- Section 275(1.3) requires the City, if a designated employee deems the application incomplete, to "give the owner of the real property written notice that identifies any missing documents, fees or other information."

Together, these sections of The Charter assign authority to determine complete applications to a designated employee of the City of Winnipeg and outline the designated employees' responsibilities to an applicant. The DPBL mirrors the authority of The Charter and further clarifies the process throughout Section 3. Specifically:

- Section 3(1) authorizes the Director to determine the form in which a development application must be submitted.
- Section 3(2) requires development applications to include payment of the applicable fee and "all information that the designated employee determines is reasonably required for the approving authority to assess and make a decision in respect of the development application."

Complete Applications

While both The Charter and the DPBL authorize a designated employee to determine the completeness of a development application, the criteria for determining whether a development application is complete is intentionally open-ended. This flexibility enables City staff, applicants, and other stakeholders to identify and compile the information necessary to evaluate each application on a case-by-case basis. Because the nature and scope of development proposals vary considerably, the required information may differ depending on site conditions, scale, and policy context. For example, a multi-family infill residential development may require a detailed streetscape or shadow analysis to assess compatibility with surrounding properties, while a large commercial or school project may necessitate a comprehensive traffic impact study or servicing report to evaluate infrastructure capacity. Maintaining open-ended completeness criteria ensures that the review process remains responsive to changing planning and engineering priorities, emerging policy directions, and evolving technical standards. All application submission requirements are clearly identified on the Planning, Property and Development website.

Appeal Mechanism for Incomplete Development Applications

Criteria for Appeal

The proposed amendment does not limit the reasons for an appeal of an incomplete development application. There are two reasons for this. First, submittal requirements can and do differ depending on the application. Therefore, the reason for determining one development application incomplete may be different from the reasons for determining a different development application incomplete. Second, this ensures that applicants can appeal any of the required contents for a development application to be deemed complete.

Proposed Changes 1 of 2 - Notification Changes

When an application is deemed incomplete, a notice must be sent to the applicant stating that the application is incomplete. The notice must include the reasons it has been determined incomplete and specify any needed documents, fees and other information that must be submitted to process the application. As part of this recommended process change, this notice will also include a statement informing the applicant that there is the right to appeal the decision determining the application is incomplete by submitting a written letter to the City Clerk. This letter must be submitted within 14 days of the incomplete notice having been provided to the applicant. The written appeal letter will need to explain what parts of the incomplete status an applicant disagrees with and provide their reasons for why the application should be deemed complete.

Proposed Changes 2 of 2 – Administrative Changes

The proposed procedural change will follow the same model used for appeals of Plan Approval Applications that have been rejected by the Director of Planning, Property and Development.

When an applicant wishes to appeal the determination that their application is incomplete, they must submit a written appeal letter to the City Clerk. Once received, the City Clerk's Department will notify the Director of Planning, Property and Development that an appeal has been filed.

The Planning, Property and Development Department will then prepare a brief report outlining the reasons the application was deemed incomplete. The appeal will be placed on the agenda of the Standing Policy Committee on Property and Development (SPC PD).

At the SPC PD meeting, the appeal would proceed as follows:

1. Public Service Presentation**:** A representative of the Public Service will present the report and provide a recommendation.

2. Applicant Presentation**:** The applicant will then have an opportunity to present their case.

3. Committee Review: The SPC PD will have access to the application contents provided to the Public Service, the appeal letter, and the staff report and may ask questions of both the applicant and the Public Service.

4. Decision**:** The SPC PD will then make one of the following determinations, directing the Public Service to:

    A. Determine that the application is complete, subject to the payment of applicable fees based on its current status; or
    B. Confirm that the application is incomplete, but will be deemed complete provided the applicant submits additional information/documents, as deemed necessary by the SPC, and subject to the payment of applicable fees; or
    C. Confirm that the application is incomplete.

The SPC PD must provide supporting reasons on the record at the time of its decision.

Following the SPC PD's decision, the Public Service will proceed to process the application in accordance with the outcome of the appeal.

<u>Standing Policy Committee on Property and Development as the Appeal Body</u>

The original motion proposed designating both the Executive Policy Committee and the SPC PD as appeal bodies. However, the Public Service is recommending that only the SPC PD be designated as the appeal body. Having a single appeal body ensures clarity and consistency in decision-making by establishing one clearly accountable authority to hear and resolve appeals. This reduces the risk of procedural confusion, conflicting decisions, or delays caused by uncertainty over which committee has jurisdiction.

<u>Supporting Reasons</u>

The Council motion included a provision that required the mover of any motion deeming an application complete to submit, in writing, reasons for the proposed declaration motion via a letter to the appropriate Committee Chair, copied to Committee members and the Chief Administrative Officer, for that motion to be in order.

The current practice for public hearings is for supporting reasons to be provided on the record at the time of the motion; the mover does not have to provide these in writing. It is recommended

that the same practice be applied in this appeal process and the supporting reasons will be captured for the record as part of the Committee's decision.

Summary of the Proposed Changes

The proposed amendment to the DPBL enables the following:

- All incomplete notices for development applications will include a notice that informs the applicant they can appeal the incomplete status of their development application to the SPC PD.

- The SPC PD will be the appeal body for considering appeals of incomplete development applications.

- The SPC PD will be authorized to determine if an application that has been appealed is complete, incomplete, or complete subject to conditions.

- As per 1.B. of the Council motion, during the appeal process at the SPC PD, the mover of a motion to declare a development application complete will be required to provide reasons for the proposed declaration motion.

Risks Relating to the Appeal Mechanism for Incomplete Development Applications

Financial

The current process requires that all documents or necessary applications are first submitted, any applicable fees paid, and then the application is deemed complete. This process is intended to ensure all necessary applications have been identified for a proposal and the correct fees are being invoiced before an application is processed. Often, additional applications are identified when application documents are resubmitted, which then changes the applicable fees. By enabling the appeal of an incomplete development application, no associated fees will have been paid when the Committee determines whether the application should be deemed complete or not.

It is possible that Rezonings, Subdivision and Rezonings, and other applications that require significant staff time to review, could be processed without a means to recoup the full costs for review. This is partially mitigated in the amending by-law language by enabling the Committee to determine that an application is complete, subject to the payment of applicable fees based on the current status of the application.

Insufficient Information for Reviewers

Allowing an appeal that results in an incomplete application being deemed complete carries risks, as it may prevent a full evaluation of the proposal's compliance with applicable policies, technical standards, or statutory requirements. Without complete information, decision-makers may be forced to rely on assumptions or incomplete data, which can lead to errors, project delays, or legal challenges.

For example, if an application proceeds without sufficient planning rationale or supporting studies, reviewers may be unable to determine whether the proposal aligns with The Charter or conforms to relevant Council adopted policies and zoning regulations. Similarly, if key engineering reports are missing - such as a drainage plan or servicing study - potential infrastructure constraints or off-site impacts may not be identified until after approvals are granted, resulting in costly design revisions or conflicts leading up to and during construction.

Ensuring that applications are only deemed complete once all required information is submitted protects the integrity of the review process. When key studies or plans are missing at completeness stage, reviewers must make assumptions to safeguard policy alignment.

This could lead to broader or more cautious conditions of approval and could be more onerous for the applicant than providing the required information up front.

Measures to Reduce Incomplete Development Applications

The Planning, Property and Development Department has already made or are in the process of implementing several changes to simplify the process for submitting complete development applications as outlined below.

Status of Title Expiration Date

The status of title is a critical document that confirms property ownership and identifies any registered interests, such as caveats, that may affect a development proposal. Under the previous requirement, the City mandated that a status of title be issued no more than three months prior to the date of application.

Following a detailed review of incomplete application determinations, PPD found that approximately 30 percent of all residential development applications were deemed incomplete due to an expired status of title, as applicants often encountered delays in assembling other materials or were unaware that the document had lapsed. To address this issue, the City has extended the validity period from three months to six months. This change provides applicants with additional time to complete their submissions without the need to obtain a new status of title. As a result, fewer applications will be returned as incomplete for administrative reasons, allowing for more efficient processing and improved customer experience. In addition, applicants will find cost saving by not having to obtain a second status of title.

In addition, the City is implementing a program that allows Zoning Development Officers (ZDOs) – with an applicant's consent – to obtain a status of title directly from Teranet on the applicant's behalf, with the associated fee added to the application file. This initiative supports applicants who may be unfamiliar with how to obtain a status of title, ensuring more applications meet submittal requirements upon initial submission. Collectively, these changes empower staff to proactively resolve minor issues and help applicants meet completeness standards more efficiently.

Empowering Zoning Development Officers

A common source of incomplete applications is inconsistency among submitted documents, such as discrepancies between the landscaping plan, site plan, building elevations, and the letter of intent. To mitigate this, ZDOs are now authorized to make minor edits to align documents, provided they first obtain written confirmation from the applicant via email. This

approach eliminates the need for applicants to formally revise and resubmit plans, reducing turnaround times and administrative burdens.

Revised Requirements for Short Form Subdivision Applications (DASSFs)

Previously, applicants for short form subdivisions were required to submit a landscape plan, site plan, and building elevations, even in cases where no new lot area or lot width variances were required. These documents often provided limited value for such applications – particularly for sites where developers are establishing lots for sale to future builders who will create their own designs. The City has now removed the requirement for these plans when the subdivision fully complies with lot width and area standards under the Winnipeg Zoning By-law. This streamlining reduces unnecessary documentation and allows subdivision applications to proceed based on essential land division information only. By focusing on the documents that directly relate to compliance, the City expects to reduce incomplete applications and speed up processing times for straightforward subdivision proposals.

Two-Stream Application System for Subdivision and Rezoning

The Public Service is exploring the idea of a two-stream system for Subdivision and Rezoning applications to provide more flexibility for different applicant needs. The first stream maintains the current approach, requiring full submittal documentation – including site plans, landscaping plans, and building elevations – at the time of application. This stream benefits applicants who wish to identify and resolve all approvals (such as variances) early in the process.

The second stream would introduce a more flexible option where applicants can proceed without full design documentation, provided the proposal complies with fundamental zoning requirements such as lot width, lot area, and access to a public street. In this stream, applicants would accept responsibility for complying with the Winnipeg Zoning By-law and any applicable secondary plans and policies – and understand they must obtain additional approvals if they do not comply. This also does not guarantee Public Service support for potential approvals at that later stage.

This system builds off the recent changes to Short Form Subdivision applications and accommodates developers who do not yet have finalized plans, enabling their applications to be accepted and reviewed without unnecessary delays. By offering tailored pathways, the Public Service reduces timelines and works with applicants to ensure more efficient project staging based on an applicant's needs.

Incomplete Application Tracking System

To better understand and address the root causes of incomplete applications, the Public Service is expanding its centralized tracking system to include incomplete application decisions. This system will record and categorize the specific reasons applications are deemed incomplete, such as missing documents, inconsistencies between plans, or expired supporting materials. Analyzing these patterns over time will enable staff to identify recurring issues and develop targeted strategies to address them – whether through clearer submission guidelines, improved applicant education, or further procedural adjustments.

Online Application Submission Requirements

As noted previously, the City has detailed online submission requirements on the Planning, Property and Development website for all development applications. The Public Service regularly reviews these requirements and, based on feedback from applicants, developers and staff, continually refine and streamline these requirements.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 6, 2025

Project Name:

Authority for Determining Completeness of a Development Application

COMMENTS:

While successful appeals may result in some fees not being paid by applicants, it is not possible to reasonably estimate the amount or timing of any such unpaid fees. As such, for the purposes of this anaylsis, there are no financial implications associated with the recommendations in this report.

Mike McGinn Nov. 6, 2025
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

n/a

OURWINNIPEG POLICY ALIGNMENT

City Building
1.4 Integrated Knowledge and Resources

Coordinate inter-departmental systems, projects and resources, making the best use of internal and external expertise to better understand service needs, find the most appropriate solutions, optimize resources, and maximize community outcomes.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Dylan Chyz-Lund
Date: November 7, 2025
File No: N/A

Attachments:

Appendix A: Amending By-law

Appendix B: Development Application Types in the *Development Procedures By-law*