

Staff Report

Report To: Committee of Adjustment
Report From: Karl Schipprack, Director of Infrastructure and Development/CBO
Meeting Date: September 5, 2023
Subject: B06.2022 Goetz and B10.2022 Elo – Remove conditions

Recommendations:

THAT in consideration of staff report 'B06.2022 Goetz and B10.2022 Elo – Remove conditions', the committee of adjustment:

1. Removes conditions five and six from B06.2022 Goetz; and
2. Removes conditions five and six from B10.2022 Elo.

Highlights:

- Bill 23 – More Homes Built Faster Act received royal assent on November 28, 2022.
- Amendment to the Planning Act removed the ability to implement site plan control and site plan agreements on residential properties of ten units or less.
- B06.2022 Goetz was granted a consent by the committee of adjustment on June 6, 2022.
- B10.2022 Elo was granted a consent by the committee of adjustment on September 19, 2022.

Previous Report/Authority:

[Report to Council December 20, 2022, Bill 23 - More Homes Built Faster Act](#)

[B06.2022 Goetz - June 6, 2022 Planning Report](#)

[B10.2022 Elo September 26, 2022 Planning Report](#)

[Planning Act, section 53\(23\)](#)

Analysis:

The provincial government received royal assent for Bill 23 – More Homes Built Faster Act on November 28th, 2022. One of the amendments to the Planning Act proposed in that bill was removal of the ability for municipalities to enter into any type of agreement with a property owner for a residential property with ten residential units or less. In this case the residential property would only allow for one residential unit. This revision to the Planning Act came into effect on November 28th, 2022.

B06.2022 - Goetz

Committee of adjustment granted provisional consent to Daniel and Heather Goetz, file B06.2022 on June 6, 2022. The provisional consent was subject to seven conditions. Condition number five is “Payment of the site plan application fee” and number six is “registration of the site plan agreement on title at the landowners expense.”

B10.2022 - Elo

Committee of adjustment granted provisional consent to Ronald Elo, File B10.2022 on September 19, 2022. The provisional consent was subject to seven conditions. Condition number five is “Payment of the site plan application fee”, and number six is “Approval and execution of the site plan agreement and registration on title at the expense of the owner.”

With Bill 23 removing the ability to enter into any type of agreement for this type of property, the only option to proceed with these consents is to remove conditions requiring site plan agreements. If the removal of the conditions is accepted, the two-year timeline to fulfill conditions resets to the new date of decision.

Financial Implications:

There are no financial implications associated with this report.

Communication Plan:

Notice of the decision will be sent to the property owners or their agents. Section 53(26) of the *Planning Act* provides that when the change of conditions is deemed to be minor, notice is not required to be given. Staff are of the opinion that the removal of these conditions is minor in nature, and as such, no circulation is required.

Consultation:

Scott Taylor, Director of Planning, Grey County

Erroll Treslan LL.B., The Alliance Lawyers

Attachments:

None.

Recommended by:

Karl Schipprack, Director of Infrastructure and Development/CBO

Submission approved by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Karl Schipprack, Director of Infrastructure and Development/CBO at kschipprack@westgrey.com or 519-369-2200 ext. 234.