

**Chapter 21**

**CITY PLANNING COMMISSION**

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**§ 21-1. Reserved.**

**§ 21-2. Mandate.**

The purpose of the City Planning Commission is:

(1) To provide professional, accountable and independent formulation, review, oversight and implementation of planning matters for the City of Toronto by nine (9) publicly-appointed commissioners, who are qualified and will be chosen for their expertise, independence, integrity and civic commitment.

(2) To replace the Local Planning Appeal Tribunal (LPAT) – formerly the Ontario Municipal Board (OMB) - as the final determiner of planning matters in the City of Toronto.

**§ 21-3. Composition.**

The members of the City Planning Commission are:

(1) The Director of the Department of City Planning shall serve as the Chair of the Commission, as determined by City Council.

(2) Four qualified (4) members of the Commission shall be appointed by Toronto City Council, and four qualified (4) members shall be appointed by the Province of Ontario.

(3) A quorum shall consist of five members. Final action by the Commission shall be the affirmative vote of not less than five members.

(4) The Director of the Department of City Planning shall provide staff assistance to the City Planning Commission in all matters under its jurisdiction.

(5) Members of the Commission, except for the Chair, will not be considered regular employees of the City of Toronto. The role served by the members of the Commission shall be deemed to be both the Commission and the Department of City Planning.

(6) No member, while serving as a member, shall appear directly or indirectly before the department, the Commission, or any other city agency where such appearance creates a conflict of interest with the duties and responsibilities of the member. No firm in which a member has an interest may appear directly or indirectly before the Department or the Commission.

(7) One of the members other than the Chair will be designated by the Mayor as Vice-chair and shall serve as Vice-chair at the pleasure of the Mayor. The Vice-chair shall possess the powers and perform the duties of the Chair when the Chair is absent or while a vacancy exists in the office of the Chair, and shall at such times serve as Director of City Planning.

(8) A member of the Commission other than the Chair may be removed by the appointing official only upon proof of official misconduct, neglect of official duties, conduct in any manner connected with his or her official duties which tends to discredit his or her office, or mental or physical inability to perform his or her office, or mental or physical inability to perform his or her duties. Before removal, any such member shall receive a copy of the charges and shall be entitled to a hearing on record by the Toronto Office of the Integrity Commissioner, which shall make final findings of fact, recommend a decision and submit such findings and recommended decision to the appointing official for final action.

(9) The members of the Commission shall perform their duties in accordance with the requirements of the Public Service Act, Province of Ontario.

#### **§ 21-4. Term.**

Members other than the Chair shall be appointed for a term of four years

## § 21-5. Duties and Responsibilities.

The duties and responsibilities of the City Planning Commission are:

(1) The City Planning Commission shall be responsible for oversight and implementation of the Toronto Official Plan and conduct of planning relating to the orderly growth, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population, in compliance with all Ontario Provincial Acts and regulations.

(2) Not later than the 31st day of December, 2019, and every four years thereafter, the Commission shall file with the Mayor, City Council, the Ombudsman, the Community Council Chairs, and Resident-based Community Boards<sup>1</sup>, a zoning and planning report. The report shall include:

(a) a statement of the planning policy of the Commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the Mayor's report<sup>2</sup> on the social, economic and environmental health of the City, the Mayor's strategic policy statements<sup>3</sup>,

(b) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years;

(c) an analysis of those portions of the Official Plan or Zoning regulations that merit reconsideration in light of the planning policy of the Commission, the Growth Plan for the Greater Golden Horseshoe, and other applicable Provincial Acts and regulations; and

(d) proposals for implementing the planning policy of the Commission and the policies of the Province whether by amendment of the Official Plan, Zoning Regulations, development of plans or otherwise.

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<sup>1</sup> Resident Community Boards are to be created to formalize and legislate public consultation and democratic input into government decisions. A detailed proposal has been previously submitted to the Premier of Ontario.

<sup>2</sup> The mayor shall submit an annual report analyzing the social, economic and environmental health of the City, including any disparities among populations, a narrative discussion of the differences and the disparities, and the mayor's short and long term plans for responding to the significant problems and disparities evidenced by the data presented in the report.

<sup>3</sup> The mayor shall submit a preliminary strategic policy statement for the city which shall include: (i) a summary of the most significant long-term issues faced by the city; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals.

(3) The City Planning Commission shall adopt rules establishing minimum standards for the form and content of plans. All proposed plans shall be referred to the Department of City Planning for circulation by the Department to all affected Resident-based Community Boards and all affected Community Councils for review and written recommendation. All affected Resident-based Community Boards and Community Councils to which such a plan is referred shall hold a public hearing on any such plan.

(4) The City Planning Commission shall establish rules providing (a) guidelines, minimum standards, and procedural requirements for Resident-based Community Boards, Chairs of Community Councils, Community Councils, and the Commission in the exercise of their duties and responsibilities, (b) minimum standards for certification of applications, and (c) specific time periods for review of applications prior to certification.

(5) Within a reasonable time period following review and recommendation of a plan, the City Planning Commission shall (a) review such plan, (b) hold a public hearing on such plan, and (c) by resolution approve, approve with modifications or disapprove such plan by a majority vote of at least five members.

## **§ 21-6. The Planning Process.**

The development, land-use and planning process will proceed as follows:

A. The Department of City Planning will be responsible for the following duties:

(1) Advance notice of all preliminary and final development proposals and plans filed with the City that relate to the use, development or improvement of land subject to City regulation shall be given to the affected Resident-based Community Boards and Community Council Chairs. The Department of City Planning shall forward a copy of any application materials it receives (whether or not such materials have been certified as complete) within five days to each affected Community Council, Resident-based Community Board and to the City Planning Commission.

(2) The Department of City Planning shall be responsible for certifying that applications are complete and ready to proceed through the land use review process. An application cannot be certified until the Department determines that the application includes all forms, plans and supporting documents that are necessary to address all issues related to the application.

(3) Upon certification of an application, the Department shall give notice of such certification to City Council. If an application under this section has not been certified within six months after filing, the applicant, if the land use proposed in an application is consistent with the land use policy or strategic policy statement, may at any time thereafter appeal to the City Planning Commission for certification. The Commission shall promptly, but in any event within sixty days of the filing of such an appeal, either

certify the application as complete, or state in writing what further information is necessary to complete the application.

B. The Resident-based Community Boards will be responsible for the following duties:

(1) Each affected Resident-based Community Board shall, not later than sixty days after receipt of an application that has been certified:

(a) notify the public of the application in a manner specified by the City Planning Commission, and

(b) conduct a public hearing thereon and prepare and submit a written recommendation directly to the City Planning Commission and to the affected Community Council.

(2) If any affected Resident-based Community Board shall fail to act, thirty days after the expiration of the time allowed for such Community Board to act, the Community Council may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the City Planning Commission.

C. The Chair of Community Council will be responsible for the following duties:

(1) Not later than thirty days after the filing of a recommendation, or waiver, or if the Resident Community Board shall fail to act, the Chair of the Community Council shall submit a written recommendation or waiver thereof to the City Planning Commission.

D. The City Planning Commission will be responsible for the following duties:

(1) Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the City Planning Commission by the Chair of the affected Community Council, the Commission shall approve, approve with modifications, or disapprove the application.

(2) Any such approval or approval with modifications of the Commission shall require the affirmative vote of at least five of the members.

(3) The Commission shall conduct a public hearing on all applications that are subject to review and approval by the Commission. Any action of the City Planning Commission which modifies or disapproves a written recommendation of the Resident Community Board or Community Council shall be accompanied by a written explanation of its reason for such action.

(4) The City Planning Commission shall file with City Council and with the affected Community Council Chair and Resident-based Community Board a copy of its decisions to disapprove, approve or approve with modifications. Any such filing with the council shall include copies of all written recommendations of the Resident Community Board and Community Council with respect to the decision being filed.

E. City Council will be responsible for the following duties:

(1) Where any decision of the City Planning Commission to approve or approve with modifications a matter, if (i) both an affected Resident-based Community Board (after holding a public hearing) and the affected Community Council, within the time periods designated for their reviews, have recommended in writing against approval and (ii) the Chair of the affected Community Council, within five days of receiving a copy of the decision of the Commission, files with the Commission and the Council a written objection to the decision, Council may resolve by the majority vote of all the council members to review the decision of the Commission.

(2) Where Council resolves to review a decision of the Commission at request of the Chair of the Community Council where both the Resident-based Community Board and the Community Council do not agree with the approval by the Commission, the Council shall hold a public hearing, and the Council, shall take final action on the decision. The affirmative vote of a two-thirds majority of all Council members shall be required to approve, approve with modifications or disapprove such a decision.

# CITY OF TORONTO PLANNING REVIEW FLOW CHART

