

COVID-19: APRIL 7TH UPDATE ON THE IMPACTS TO DEVELOPMENT APPLICATIONS AND HEARINGS

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Categories: [Insights](#), [Publications](#)

This is an update to our previous bulletins of [March 23, 2020](#) and [March 30, 2020](#), detailing the impacts of COVID-19 on development applications and hearings. Since the release of our last bulletin, the Province has renewed its declaration of a State Of Emergency and issued additional Emergency Orders under the [Emergency Management and Civil Protection Act](#), RSO 1990, c. E.9. An updated list reflecting the status of a number of GTA municipalities may be found at the end of this update.

As contemplated in our previous bulletins, communications between the LPAT and numerous stakeholders have resulted in the LPAT recommencing limited operations via electronic and teleconference means as of April 6, 2020. These efforts are being supported in part by the Province's provision of additional broadband and teleconferencing resources to facilitate the Tribunal's work. In particular, the Tribunal issued a notice on April 2, 2020 indicating that it will consider exercising its discretion under O. Reg. 73/20 to lift the suspension on a case-by-case basis to begin moving outstanding settlement hearings forward. As part of the case-by-case assessment, the LPAT is requiring:

- submission of a settlement request form;
- all relevant information that demonstrates that there is no prejudice to any other party for the Tribunal to proceed by teleconference or written submission;
- an explanation of how the principle of "social distancing" is strictly adhered to throughout all steps necessitated in the presentation of the settlement to the Tribunal; and
- if applicable, suggestions for technological support that may facilitate the presentation of the settlement to the Tribunal.

More information respecting steps to advance a settlement hearing, including the requisite forms, is available on the ELTO website [here](#), and the related news release can be found [here](#).

The LPAT is, cautiously, also looking to move ahead with procedural orders, written and teleconference hearings on other than Settlement hearings, but no confirmation has been made at this time. The LPAT has also indicated that if parties mutually agree to work together to comply with existing Procedural Orders to

advance matters for hearings scheduled after June 30, 2020 they will support these initiative.. In addition, in order to prevent as much backlog as possible, adjudicators continue to work on issuing outstanding decisions. However, all front-line counter services remain closed, and parties are cautioned to expect processing delays for documents submitted by mail or courier. Documents (other than appeal records) may be filed electronically. Current updates to the LPAT procedures may be found [here](#).

Despite the above, all statutory timelines such as those found in the *Planning Act* remain suspended retroactive to March 16, 2020, pursuant to [O. Reg. 73/20](#). Industry stakeholders such as BILD have been seeking answers to the many questions raised as a result, anticipating clarification from the Ministry of Municipal Affairs and Housing. In addition, it is anticipated that the LPAT will also be posting a “Q&A” section on its website to address the numerous questions and comments received – for example, questions respecting matters that have key procedural dates both pre- and post-June 30th.

Pursuant to O. Reg. 73/20, the suspension of time periods under the regulation is for the “duration of the emergency”. Pursuant to the [Emergency Management and Civil Protection Act](#), R.S.O. 1990, c. E.9, an emergency can be extended up to 14 days only once, by the Lieutenant Governor in Council (s.7.0.7(2)), after which the Assembly, on recommendation of the Premier, may extend the period for additional periods of 28 days (7.0.7(3)). On March 30, 2020, the Premier extended the State of Emergency in Ontario for another 2 weeks, thus extending suspensions under O. Reg. 73/20 another 2 weeks (until April 14, 2020). The duration of O. Reg. 73/20 is further subject to renewal under s.7.1(4) or (5) of the Act, being in the event that the temporary suspension will need to exceed 90 days.

The Status of GTA Municipalities

The below represents a list of those municipalities in which we experience the most volume of development applications and appeals. The information has been obtained from the municipalities' websites or from direct communication from the municipalities and, as such, is subject to confirmation. Please also note that the status of the matters contained herein are evolving rapidly and may not be the most current. If you have a question relating to a specific municipality not included in the list below, please do not hesitate to contact us.

City of Toronto

- [Declared a State of Emergency](#) as of March 23
- All City buildings, including City Hall, Metro Hall and all civic centres are closed to public.
- Cancelled all non-essential services.
- City Council, committee, board and tribunal meetings cancelled; Mayor can call a special meeting if required. Design Review Panel meetings have also been cancelled.
- Planning Applications: New planning applications will not be received. Limited reviews of planning

applications and heritage planning applications received on or before March 16. City is prioritizing: (1) review of applications that have cleared any Council-related approval and are proceeding through final technical clearances (e.g. site plan approval); (2) Development projects close to occupancy (e.g. draft plans of condominium clearances and registrations); (3) Working with applicants' solicitors to register agreements where the agreements can be finalized.

- Appeals of Committee of Adjustment decisions will be accepted electronically via email to both the general email address and the Manager & Deputy Secretary-Treasurer for your district as found on the Committee of Adjustment web page. Fee payments will be collected after regular service delivery resumes.
- Provincial Offences courtrooms, public counters, email and call centre services are closed. Applications and payments can be submitted by regular mail. All online services remain available to the public. Matters scheduled until May 29, 2020 will be rescheduled.
- Building Permits & Inspections:
 - Still issuing building permits that were ready to be issued prior to March 16
 - 24/7 emergency building inspections services will continue.
 - Suspended services include:
 - Building, Sign Permit and Zoning intake, review and issuance
 - All building inspection services other than emergency inspections
 - All information requests, complaints and reports
 - Toronto Building will not be able to accept or issue building permits. In addition, no preliminary project applications, zoning reviews, or property information letters can be applied for, processed or issued.
 - Click [here](#) for more information.
- City-led infrastructure construction has been deemed essential and will proceed for important City water and transportation infrastructure, as well as City facilities including parks and recreation facilities. This construction is essential to ensure the City's infrastructure and facilities remain safe, in a state of good repair and able to meet Toronto's needs.

City of Brampton

- [Declared a State of Emergency](#) as of March 24 2020; all City facilities closed until further notice, including City Hall.
- All City Council, Committee and Committee of Adjustment meetings are cancelled March 16 to April 5 inclusive. Existing planning applications are continuing to be processed. New development applications can be

submitted digitally using the City's FTP Server (click [here](#) for more information). All appeals will be accepted digitally.

- Reports are still being completed, external agencies are still providing comments, and meetings are being held via Skype as necessary
- Buildings Division closed until April 5. No applications for permits or registrations will be accepted. Buildings Division will only be accepting inspection requests via email and/or fax for the period of March 17 to April 3, 2020. Inspections to be conducted of unoccupied buildings only.
- Provincial Offences courtrooms, public counters, email and call centre services are closed through to and including April 3. Matters scheduled until May 29, 2020 will be rescheduled. Applications and filings from Enforcement Agencies to be submitted through the City drop box. Payments can be submitted by regular mail, telephone or online.

City of Mississauga

- [Declared a State of Emergency](#) as of March 23, 2020
- All facilities and public counters closed until further notice, including City Hall and the Provincial Offences Courthouse; Planning Committee is suspended at this time.
- Planning and Building Services counter suspended until further notice. All general inquiries can be processed via 3-1-1 Contact Centre (905-615-4311 outside city limits).
- Development Applications: Can apply, update and complete application-related tasks via [ePLANS](#). For resubmissions, new Official Plan and/or Zoning By-law applications, call 3-1-1 or email eplans.devdes@mississauga.ca to communicate with a member of the Planning Services Centre Team. Only electronic payments will be accepted via existing online portal; if require another form, contact 3-1-1.
- Meetings are being conducted remotely through WebEx, emails or by phone. Planning reports are still being written. Commissioners now have delegated authority to sign agreements.
- Appeals (including fees) to be filed by registered mail or courier to the attention of Clerks Office, 2nd Floor, 300 City Centre Drive, Mississauga, Ontario L5B 3C1.
- Building Permits & Inspections: All online application functionality will continue at this time. Can apply, update and complete application-related tasks via [ePLANS](#). Services at the Inspection Services counter suspended until further notice. Inspections can be scheduled online at [Building Permit Inspections](#); however, inspection requests will be prioritized and/or deferred where possible.

City of Markham

- All City facilities are closed to the public until further notice.

- Public meetings have been cancelled until further notice, including: Council, General Committee, Development Services Committee, Committee of Adjustment, Heritage Committee, Accessibility Committee, and all advisory committees. Mayor can call a special meeting of Council, if required.
- Planning & Urban Design department is closed to the public with staff working remotely to support City projects. Most planning applications (Pre-consultation, Site Plan, Official Plan, Subdivision, Zoning, Minor Variance, Consent and Condominium) can be submitted through [ePLAN](#) (email inquiries to dsc@markham.ca or 905.475.4861). Re-submissions related to existing (pre-ePLAN) applications must be submitted through consultant's FTP site/Dropbox, and notify the Development Services Front Counter (dsc@markham.ca) by email and copy the project planner. Payments can be made by cheque using the drop box which is located outside the Markham Civic Centre.
- Construction Investigation Requests: Unsafe building reports will be investigated immediately.
- Building Permits: Questions related to building permit applications and zoning inquiries can be emailed to: buildingstandards@markham.ca, and related to building permit inspections, email: bins@markham.ca
 - Applications: Building Permit applications can be submitted [online](#). All on-line permit application functionality including payments of permit fees less than \$60K will continue to operate (contact buildingstandards@markham.ca for permit status); Plan review and permit issuance will continue and plan review staff will be available by email. Conditional permit processing will be evaluated on a case by case basis.
- Inspections:
 - Make inspection requests through [ePLAN](#) or by calling 905 475-4850. Inspections will only occur for occupancy permits for new and unoccupied buildings, until further notice.
 - Permit holders are required to book all required inspections as per the Ontario Building Code.
 - Inspections for occupied buildings will be suspended until further notice.
- Engineering Department is closed to the public with staff working remotely to support City projects
- Additional information respecting planning submissions may be found on the City's recent adopted platform, "[ePLAN](#)".

City of Vaughan

- Public closures until further notice, including: Vaughan City Hall
- Council, committee and task force meetings cancelled until further notice.
- Accepting building permit submissions, however processes may change without notice. Contact Building Standards Department at buildingstandards@vaughan.ca
- For building inspections, email buildinginspections@vaughan.ca

City of Hamilton

- City facilities closed until at least May 25, 2020, including municipal service centres, public counters and City Hall.
- All in-person Committee meetings cancelled until and including May 25, 2020. City Council will take place virtually every Wednesday morning. Click [here](#) for more information.
- Provincial Offences courtrooms closed; appearances scheduled until May 29, 2020 will be adjourned and rescheduled.
- Planning applications and appeals may be filed by regular mail (e.g., USB with digitals) with certified cheque. Recommend sending email to advise that application is being submitted by mail. Expect processing delays.
- Building Permit applications may be made [online](#); questions can be sent to eplans@hamilton.ca; for inspections, call: 905-546-2424 ext. 7777
- Building Inspections: City is still completing the following inspections: (i) Construction without a permit (proactive/reactive) visible from the street (but not interior at this time), (ii) unsafe conditions, (iii) new houses/semis/towns, (iv) new small Part 3 and 9 buildings, (v) Interior Part 3 reno. work (case-by-case basis), (vi) sign, septic, and solar collector permits, (vii) pools – new and unsafe. City Building Inspection team has final say, and may refuse an inspection.
- The City is contemplating use of virtual inspections.

City of Ottawa

- [Declared State of Emergency](#) on March 25, 2020.
- Facilities and services closed or cancelled until further notice, including City Hall and Building Code Services Counters
- Provincial Offences Courthouse closed until May 29, 2020.
- Council & Committee Meetings: physical attendance in the Council Chambers will be limited to Members of Council and essential City staff. You can watch the live City Council meeting on the Ottawa City Council Youtube page, click the following for the [English Stream](#) or the [French Stream](#). In-person City public consultations have been cancelled. City is working to limit the number of [Committee meetings](#). Upcoming meetings of the Committee of Adjustment and other Boards can be found [here](#).
- Building Code Services (“BCS”) building permit delivery service: via courier (with cheque) to City of Ottawa – Building Code Services, 100 Constellation Drive, Ottawa, ON K2G 6J8; smaller residential applications can be submitted online email (buildingpermits@ottawa.ca);
- BCS Inspections staff will not enter occupied areas of the certain building types for the purposes of carrying out their duties (personal dwellings, long-term care facilities, seniors’ residences and retirement

homes, hospitals, and daycare facilities)

Region of Peel

- Development Services staff are available to participate in one-on-one phone calls, conference calls, or virtual meetings.
Submissions via courier or mail will not be accepted as counters are currently closed to the public. Contact the Peel employee assigned to your application directly to arrange for electronic submissions. Payments cannot be processed by cheque, visa or debit at this time. Development Services is currently investigating electronic fund transfer methods, while working with the local municipalities on alternative payment options.
- Building Permits:
 - Applications are administered at the local municipality; Region provides Servicing Approval for Water and Waste/Storm Water connection approval. Servicing staff are still reviewing applications and taking them to the approval stage.
 - Payments cannot be processed by cheque, visa or debit at this time. Region is working with accounts receivable to receive payments in the form of Electronic Fund Transfers so that they can provide their final Site Servicing clearance to the applicant. Meanwhile, Region is working with the local municipalities on alternative payment options.
- Issuing for Construction (IFC) process is being evaluated case-by-case based on criticality of the site and availability of Water Operators (this is under review as resources are very limited, therefore field services may be temporarily delayed or deferred).

Region of York

- Declared State of Emergency on March 23, 2020
- York Region facilities are currently closed to the public.
- Applications: Building Permits are administered at the local municipality.

by Mary Flynn-Guglietti, Annik Forristal, Kailey Sutton

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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The logo for mcmillan, featuring the word in a lowercase, sans-serif font. The 'm' and 'c' are in a dark red color, while the 'm', 'i', 'l', 'l', 'a', and 'n' are in a light blue color. The logo is positioned in the upper left corner of the page.

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