

# COVID-19: JULY 6TH UPDATE ON THE IMPACTS TO DEVELOPMENT APPLICATIONS AND HEARINGS

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

This is an update to our previous bulletins (most recently, [May 20](#) and [June 3](#), 2020) detailing the impacts of COVID-19 on development applications and municipal planning hearings in Ontario. An updated list reflecting the status of a number of GTA municipalities is included at the end of this update.

## The Provincial State of Emergency & Emergency Orders

The Provincial State of [Emergency as declared pursuant to the Emergency Management and Civil Protection Act](#), RSO 1990, c. E.9 (the “**EMCPA**”) was further [extended](#) on June 24, 2020 until **July 15, 2020**. Almost all [Emergency Orders](#) made under the *EMCPA* are made pursuant to s.7.0.2(4), and have been [extended](#) until **July 10, 2020** pursuant to O. Reg. 106/20. In contrast, the Order respecting suspension of Limitation Periods ([O. Reg. 73/20](#), made under s.7.1(2)) is effective for the “duration of the emergency”.

## The Stages and Status of Reopening the Province

With respect to a regional approach to reopening, the Province has been divided up into 35 “[public health units](#)”, each of which, per the Province’s [website](#), “is governed by a board of health, which is an autonomous corporation under the Health Protection and Promotion Act, and is administered by the medical officer of health who reports to the local board of health. The board is largely made up of elected representatives from the local municipal councils. The ministry cost-shares the expenses with the municipalities.”

As of June 25, 2020, all public health unit regions have been allowed to enter into Stage 2 of Phase 2 of the Province’s “[Framework for Reopening Our Province](#)”, except for the Municipality of Leamington and the Town of Kingsville, which remain in Stage 1 until it is determined that it is safe to move into Stage 2.

The list of [Stage 2 businesses](#) permitted to open includes personal care services, restaurants and bars, shopping malls, beaches, parks, campgrounds and libraries. Weddings and funerals are also permitted. See here for a current update on the status of the construction industry throughout the various provinces and territories in Canada.

The Province will progress to Stage 3 (opening remaining workplaces and services, opening indoor restaurants,

allowing performing arts shows, opening casinos and gyms, etc.) when the number of new daily COVID-19 cases has remained stable over a period of 2-4 weeks. This will be assessed with regard to the following key “public health indicators”: virus spread and containment, health system capacity, public health system capacity, and incidence tracking capacity. At this time, the majority of the province has been in Stage 2 for almost three weeks; based on recent comments from Health Minister Christine Elliot, it is expected that the Province will make an announcement as soon as next week on its intention to begin the phased approach for regions to enter Stage 3.

### **The Status of *Planning Act* Timelines: Amendments to O. Reg. 149/20**

By way of [letter](#) dated June 12, 2020 to municipal Heads of Council / Clerks and CAOs, the Ministry of Municipal Affairs and Housing indicated its intention to “end the temporary suspension of the *Planning Act* timelines as of June 22nd, 2020.” Thus, pursuant to amendments made, [O. Reg. 149/20](#) (and the suspensions thereunder) was **terminated on June 22, 2020** with the coming into force of [O. Reg. 278/20](#). (Note that O. Reg. 149/20 was initially enacted to suspend a number of *Planning Act* timelines in order to allow municipalities flexibility respecting timing for decision-making during the pandemic; see our [previous bulletins](#) for further detail.) As such, municipalities are once again fully subject to the statutory timelines for notice and other procedures as found under the *Planning Act*.

### **The Status of the Local Planning Appeal Tribunal**

We understand that the LPAT continues to operate with minimal staff on site at its offices, that the mailroom remains closed, and that no parties will be entering the LPAT offices at 655 Bay Street at this time.

The LPAT is continuing to reschedule postponed and cancelled hearings, virtual mediations, Case Management Conferences (“**CMCs**”) and settlement hearings on a case-by-case basis via virtual platform or telephone-conference. We have been advised that there have been no established procedures for alternative hearings arrangements for contested hearings at this time (such as video conference or hybrid hearings). However, we have been informed that a “working committee” of private and public sector lawyers, together with representatives of the LPAT continue discussions to determine if appropriate rules that respect the social distancing rules can be implemented that would allow hearings scheduled in the late summer and fall to proceed. Indeed, at this time, it appears that LPAT members have been approaching the scheduling of contested hearings inconsistently (see our companion bulletin here for more details). We will continue to monitor this situation and update you as further information becomes available.

### **Addressing the Backlog in the City of Toronto**

As a result of the COVID-19 closures, the City of Toronto Committee of Adjustment has built up a backlog of

over 1,000 development applications. The Committee has now resumed meetings virtually, and plans to conduct 20 hearings over June and July in order to clear approximately 500 applications (see here for more details). At its June 29th Council Meeting, the City of Toronto adopted a motion brought by Deputy Mayor Denzil Minnan-Wong which, in part, seeks to “clear the application backlog by the end of 2020.” To do this, the motion specifically recommends increasing the staff for processing and reviewing applications, and appointing additional Committee of Adjustment members. Further information may be found [here](#).

### **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 (alphabetical order). 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 Brampton](#)

- [Declared a State of Emergency](#) as of March 24, 2020; all City facilities closed until further notice, including City Hall.
- [Meetings](#): City Council and some committee meetings are occurring [virtually](#) with in-person attendance limited to Members of Council and essential City staff only.
- [Planning Applications & Appeals](#): Existing applications are continuing to be processed. New applications can be submitted digitally using the City’s FTP Server (click here for more information). Reports are still being completed, external agencies are still providing comments, and meetings are being held via Skype as necessary. All appeals will be accepted digitally. During this time, fees are not required at the time of submission and applications will not be deemed to be Complete (as per the Planning Act) until payment is processed once the City offices are reopened.
- [Building Permits and Inspections](#): Buildings Division desk is closed until further notice. Applications for residential building permits can be submitted electronically; larger Industrial, Commercial and Institutional application submissions will continue by appointment only. Building Division is conducting inspections of unoccupied buildings, and is conducting occupied building inspections (including second units) virtually. Building Division will be accepting requests for remote video inspections of occupied residential buildings until the onsite operations resume. Staff will continue to process applications, and will be reaching out to the individual applicants to communicate next steps.
- Provincial Offences courtrooms, public counters, email and call centre services are closed until further

notice. Applications to be submitted through the City drop box. Payments can be submitted by regular mail, telephone or online.

### [City of Hamilton](#)

- Declared a State of Emergency on March 17, 2020. City facilities remain closed, including municipal service centres, public counters and City Hall.
- **Meetings:** City Council will take place virtually, as well as some Committee meetings (such as the Planning Committee). **Other meetings** continue to be cancelled. The City held its first virtual Committee of Adjustment meeting on June 25th.
- Provincial Offences courtrooms closed; appearances scheduled until July 3, 2020 will be adjourned and rescheduled.
- **Planning Applications and Appeals:** The City is updating its FAQs for Development Approvals here. Staff are still accepting planning applications and processing planning applications, with the exception of Committee of Adjustment applications, which are being accepted but will not be processed until such time as a determination has been made on future meetings of the Committee. Applications that have been delegated to staff for review and approval are being processed and decisions are being issued on these applications. Applications that require public participation prior to a decision are being received and processed. These applications will be brought forward to Planning Committee upon the resumption of the standing committees. Inquiries can be sent by email to [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) or by phone at 905-546-2424 extension 1355. Online Zoning Verifications can be requested at [zoningverification.hamilton.ca](http://zoningverification.hamilton.ca).

Building Permit Applications & Inspections: Applications may be made online; questions can be sent to [eplans@hamilton.ca](mailto:eplans@hamilton.ca); status of Building Permits can be searched for here; for inspections, call: 905-546-2424 ext. 7777. 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 renovation 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 Markham](#)

- All City facilities are closed to the public until further notice.
- **Meetings:** The City is holding Council and Committee Meetings **electronically**. Other public meetings have been cancelled until further notice. Contact [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) for additional information.

- Planning & Urban Design Department: Closed to the public with staff working remotely to support City projects. Staff remain accessible by phone. 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](mailto: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](mailto: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. Additional information respecting planning submissions may be found on the City's recent adopted platform, "[ePLAN](#)".
- Building Permits & Inspections: Questions related to building permit applications and zoning inquiries can be emailed to: [buildingstandards@markham.ca](mailto:buildingstandards@markham.ca), and related to building permit inspections, email: [bins@markham.ca](mailto:bins@markham.ca).
  - Applications: Staff continue to release building permits and compliance letters. Building Permit applications can be submitted [online](#). All online permit application functionality including payments of permit fees less than \$60K will continue to operate (contact [buildingstandards@markham.ca](mailto:buildingstandards@markham.ca) for permit status). Plan review and permit issuance will continue and plan review staff will be available by email. Permit processing of all permit types will continue via [ePLAN](#). Please refer to the online [Guide to Building Permits](#) for a list of forms, drawings and documents required to be uploaded for building permit applications.
  - Inspections: Limited inspections at this time. Still conducting commercial inspections and new home inspections with limited outside personnel; no inspections will take place in occupied buildings. Make inspection requests through [ePLAN](#) or by calling 905 475-4850. 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.
- Construction Investigation Requests: Unsafe building reports will be investigated immediately.

#### [City of Mississauga](#)

- [Declared a State of Emergency](#) as of March 23, 2020. All public service counters closed until further notice, including City Hall and the Provincial Offences Courthouse. All general inquiries can be processed via 3-1-1 Contact Centre (905-615-4311 outside city limits).
- [Meetings](#): Council meetings are being [live-streamed](#). Public meetings for Planning & Development and Committee of Adjustment applications are now proceeding. Click [here](#) for the calendar and agendas.
- Planning Applications & Appeals: Committee of Adjustment is accepting applications and general enquiries via email to [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca). Planning and Building Department

continues to process all existing and new development applications and building permit 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](mailto:eplans.devdes@mississauga.ca) to communicate with a member of the Planning Services Centre Team. 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. Only online payments are currently being accepted.

- 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, delayed and/or deferred where possible. Only online payments are currently being accepted.

### [Town of Oakville](#)

- [Declared State of Emergency](#) on March 24, 2020. Town hall remains closed.
- [Meetings](#): All Council and Committee meetings are being held virtually. Live meetings can be viewed [here](#).
- Planning Applications, Building Permit Applications & Inspections: Accepting [electronic](#) submissions of various permits and applications. Planning, building, engineering and development applications and permits can be submitted online. This includes plans of subdivision, rezoning and site plans among others. Larger Industrial Commercial and Institutional application submissions will continue by appointment only. [Inspections](#) of unoccupied buildings and limited inspections of occupied buildings. Information on how to submit application forms online can be found [here](#). Electronic payments for various permit applications accepted via electronic funds transfer.

### [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](#): All court matters scheduled during COVID-19 closures will be rescheduled to a later date.
- [Meetings](#): City Council or Committee meetings, as warranted, will be held electronically until further notice and can be viewed live on the [Ottawa City Council Youtube Channel](#). Upcoming meetings of the Committee of Adjustment and other Boards can be found [here](#). Comments may be provided to Committee or Council on any agenda items by submitting such comments in writing, by emailing or

calling the Committee Council Coordinator.

- **Planning Applications & Appeals:** processes are in place to ensure applications are received, approved and permits are issued in a timely fashion. Electronic Fund Transfers are the preferred method of payment for Planning and Heritage Applications.
- **Building Permits & Inspections:** Building Code Services (“BCS”) counters are closed, but BCS will continue to accept and process applications: via courier, and smaller residential applications can be submitted online email ([buildingpermits@ottawa.ca](mailto:buildingpermits@ottawa.ca)). The preferred method of payment for BCS applications and permits is by cheque. BCS Inspections staff will not enter occupied areas of 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). While all permit submissions will be processed to approval, only applications that qualify as an essential service under the Emergency Management and Civil Protection Act will be made available for issuance.

### City of Toronto

- **Declared a State of Emergency** as of March 23, 2020. All City buildings, including City Hall, Metro Hall and all civic centres are closed to public.
- **Meetings:** As of June 2020, the City’s regular committee meetings will resume with a revised schedule and digital submissions from deputants. The schedule of meetings may be found [here](#).
- **Planning Applications & Appeals:** All City Planning services have resumed, either as full or modified service at this time. The Committee of Adjustment’s first virtual hearing was scheduled for June 3, with subsequent virtual hearings now being pre-booked to July 31. Staff will triage and schedule applications on a 'first come, first served' basis (based on those received by March 16), starting with less complex cases. Appeals will be accepted electronically. Fee payments will be collected after regular service delivery resumes. The most up-to-date information on city operations and planning and development-related city services affected by COVID-19, can be found [here](#). The Application Information Centre is active, but some updates may be delayed.
- **Building Permits & Inspections:** All Toronto Building permitting and inspection services are now being offered. Some of the services are modified, such as for inspections of occupied homes. New building permit applications are being accepted electronically and staff are evaluating the timeframe for review and processing. Permit fees, development charges and other permit related fees are only accepted by credit card payments through website and telephone, or electronic fund transfer. Additional information may be found on the City’s [website](#) regarding the City’s Building Permits and Inspection services.
- Provincial Offences courtrooms, public counters, email and call centre services remain closed. All online services remain available to the public. No Provincial Offences Act proceedings will be conducted until at

least July 6. Remote judicial pre-trials will begin to proceed virtually and/or via teleconference.

### City of Vaughan

- [Declared a State of Emergency](#) on March 17, 2020. Public closures until further notice, including City Hall.
- [Meetings](#): Council and Committee of the Whole meetings are being held electronically and can be viewed here (all other committee and task force meetings cancelled). Written communications can be emailed to the Office of the City Clerk at [clerks@vaughan.ca](mailto:clerks@vaughan.ca).
- Planning: City Staff continue to accept planning applications (digitally or drop-off) and pre-consultation meeting requests. Payments can be made by cheque via mail or drop-off. Contact the planner on file or the department at [developmentplanning@vaughan.ca](mailto:developmentplanning@vaughan.ca) for further information.
- Building Permits & Inspections: Continuing to receive and process building permits, however processes may change without notice. Staff are working to establish a virtual solution for submissions and mark-ups. Building permits will continue to be issued so long as payment is received. Continuing to book inspections. Contact Building Standards Department at [buildingstandards@vaughan.ca](mailto:buildingstandards@vaughan.ca). For building inspections, email [buildinginspections@vaughan.ca](mailto:buildinginspections@vaughan.ca) or call 905-832-8511.

### Region of Peel

- Declared a State of Emergency on March 18, 2020. Counters are currently closed to the public.
- 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. Contact the Peel employee assigned to your application directly to arrange for electronic submissions.
- Development Services has established a process whereby fees and deposits (refundable and non-refundable) may be submitted via electronic fund transfer.
- Approvals, clearances or correspondence will be issued electronically via email.
- Building Permit Application & Inspections: 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 closed to the public.
- Planning: Offices are closed to the public; No in-person meetings; All staff, including construction inspection, can be reached for any inquiries by [email or phone](#). Development and construction resources continue to be accessible through the Region's Website. All applications must be submitted electronically; online payment is not available at this time – payment via cheque to be sent through mail or courier (use dropbox outside Administrative Building entrance).
- Building Permits: Administered at the local municipality.

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### **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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