

COVID-19: MAY 13TH 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, [April 22](#) and [May 6](#), 2020) detailing the impacts of COVID-19 on development applications and hearings in Ontario. An updated list reflecting the status of a number of GTA municipalities may be found at the end of this update.

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 [extended on May 12, 2020](#) until **June 2, 2020**. The Premier stated that: “We are making steady progress to flatten the curve and get more people back to work safely, including our legislators, but we still have far to go in defeating COVID-19,” and that “Extending the declaration of emergency will allow us to continue to take action to protect Ontarians, while carefully and cautiously reopening more parts of our economy.”

Almost all Emergency Orders made under the EMCPA are made pursuant to s.7.0.2(4) and have been [further extended](#) until **May 19, 2020** pursuant to [O. Reg. 106/20](#) (a full list of these Orders can be found on the [e-Laws website](#) under the EMCPA). In contrast, [O. Reg. 73/20](#) (made under s.7.1(2)) is effective for the “duration of the emergency” to a maximum of 90 days, subject to further renewals of up to 90 days (s.7.1(4) and (5)).

As discussed in our previous [bulletin](#), the Province has instituted a “[Framework for Reopening Our Province](#)” which is organized into three phases: 1) “Protect and Support”, 2) “Restart”, and 3) “Recover”. It appears the Province is moving into the first of Phase 2’s three stages: opening businesses and select workplaces that can meet health and safety requirements, and some outdoor spaces such as parks. Based on the number of new daily COVID-19 cases over a 2-4 week time period, we may soon see the Province progress to stage 2 (open more workplaces and outdoor spaces, and allow some larger public gatherings), and eventually stage 3 (open remaining workplaces and further relax public gathering restrictions). The Province has provided [sector-specific guidelines](#) to employers on how to open safely and protect their employees and customers, focusing on 5 key economic sectors: [construction](#), [food processing](#), [restaurant and food services](#), [agriculture](#), and [manufacturing](#).

Status of Planning Act Timelines

As a result of [O. Reg. 149/20](#), some *Planning Act* timelines remain suspended to allow municipalities flexibility respecting timing for decision-making during the pandemic, but a number of key timelines (including certain appeal periods) are no longer subject to suspensions under O. Reg. 73/20 or otherwise (for further detail, see our previous [bulletins](#)). Parties will, therefore, begin to receive notices of decision from municipalities, upon which notice appeal timelines will begin to run. We strongly recommend continuing to adhere to all appeal timelines, despite the fact that the Local Planning Appeal Tribunal (“**LPAT**”) is not currently scheduling hearings of new appeals. Note that O. Reg. 149/20 relates only to *Planning Act* matters; as such, it does not impact the *Local Planning Appeal Tribunal Act*.

The Local Planning Appeal Tribunal

While all hearings until June 30, 2020 remain adjourned (as described in our previous [bulletin](#)), the LPAT continues to exercise its discretion under O. Reg. 73/20 to lift the suspension of timelines on a case-by-case basis in order to begin moving outstanding settlement and other merit hearings forward. Pursuant to recent communications from the LPAT, we understand that the LPAT has been scheduling TCC hearing events over the past 2 weeks, involving a mix of settlement hearings and status updates or case management conferences. The LPAT continues to be open to the potential to schedule virtual mediations (interested parties should reach out to Sandra Chan at the LPAT). We further understand that the LPAT continues to operate with minimal staff on site at its offices, and that the mailroom remains closed; the LPAT is continuing to consider electronic options.

New Legislation: COVID-19 Response and Reforms to Modernize Ontario Act, 2020

According to the Province’s [May 12, 2020 news release](#), the Ontario Legislature passed new legislation on May 12, 2020, which is intended to help people conduct business while practising physical distancing, and to “make many necessary interactions that much easier and safer”: the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020*. According to the release, this new legislation will, in part, allow for “regulations to set out the parameters for remotely commissioning or notarizing a document.” As this is a necessary step in a number of application and appeal procedures, the industry will be grateful for further guidance on this.

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, 2020.
- All City buildings, including City Hall, Metro Hall and all civic centres are closed to public.
- [Meetings](#): All regular Council and Committee meetings cancelled until May 4, 2020. The Mayor can call a special meeting of City Council to discuss urgent business if required. Design Review Panel meetings have also been cancelled. Meetings may be viewed live on meeting day at www.toronto.ca/council.
 - Note that the Mayor recently called a Special City Council Meeting, held on April 30th by videoconference, for reasons including to consider amendments to Council Procedures to permit electronic participation in meetings, and to authorize local boards to amend their own procedures to permit electronic participation in meetings during emergencies.
- Planning Applications & Appeals: The Committee of Adjustment has scheduled its first virtual hearing on June 3 with subsequent virtual hearings now being pre-booked to July 31. Notices will start being sent to applicants for the first hearing next week (May 18). Staff will triage and schedule minor variance applications based on a 'first come, first served' principle (based on those received by March 16), and files that are ready now, starting with less complex cases and where the applicants have agreed to the virtual format. Appeals of Committee of Adjustment decisions 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.
- 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: All Toronto Building permitting and inspection services are now being offered. Some of the services are modified with new applications being accepted electronically only and in-person inspection protocols have been established to ensure health and safety. At this time, the focus is on permits that were received prior to the service disruption. 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 has been posted on the City's [website](#) regarding the City's Building Permits and Inspection services.
- Suspended services include: Official Plan and Zoning By-law Amendment applications received after March 17th; Draft Plan of Subdivision applications received after March 17th; Review of building permit

applications received March 17 onwards. Click [here](#) for more information.

- City-led infrastructure construction will proceed for important City water and transportation infrastructure, as well as City facilities including parks and recreation facilities.

[City of Brampton](#)

- [Declared a State of Emergency](#) as of March 24, 2020; all City facilities closed until further notice, including City Hall.
- [Meetings](#): Effective March 16, all City Council meetings are occurring [virtually](#) with in-person attendance limited to Members of Council and essential City staff only. Committee and Committee of Adjustment meetings are cancelled until further notice.
- 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.
- Buildings Division desk 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 are 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. Click [here](#) for more information.
- Provincial Offences courtrooms, public counters, email and call centre services are closed until further notice. A drop box is available at the main entrance to the facility for the public to drop off request for early resolution and for enforcement agencies to drop off Certificate(s) of the offence. Matters scheduled until May 29, 2020 will be rescheduled. Applications 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.
- [Meetings](#): Council meetings are being [live-streamed](#). Committee meetings have been cancelled until further notice.
- 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).

- Planning Applications & Appeals: Committee of Adjustment is accepting applications and general enquiries via email to committee.adjustment@mississauga.ca. 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. 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, delayed and/or deferred where possible. Only online payments are currently being accepted.

[City of Markham](#)

- All City facilities are closed to the public until further notice.
- **Meetings:** The City is holding Council and Committee Meetings [electronically](#) only. Other public meetings have been cancelled until further notice. The Mayor can call a special meeting of Council, if required. Contact 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 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. 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, and related to building permit inspections, email: bins@markham.ca.
 - Applications: Staff continue to release building permits and compliance letters. 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. 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. Sill conducting commercial inspections and new home inspections with limited outside personal; no inspections will take place in occupied residences. 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.
- Engineering Department is closed to the public with staff working remotely to support City projects.

[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. All other Council Committees and task force meetings are cancelled until further notice.
- 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 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. For building inspections, email buildinginspections@vaughan.ca or call 905-832-8511.

[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 every Wednesday morning. [Other meetings](#) are cancelled

until at least June 30, 2020.

- Provincial Offences courtrooms closed; appearances scheduled until July 3, 2020 will be adjourned and rescheduled.
- **Planning Applications and Appeals:** 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 or by phone at 905-546-2424 extension 1355. Online Zoning Verifications can be requested at zoningverification.hamilton.ca.
- **Building Permit Applications & Inspections:** Applications may be made [online](#); questions can be sent to 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.

[Town of Oakville](#)

- **Declared State of Emergency** on March 24, 2020.
- **Meetings:** Committee meetings have been cancelled to the end of June, 2020. Council and Special Council meetings still being scheduled and held by videoconference. You can watch live meetings [here](#).
- **Planning Applications, Building Permit Applications & Inspections:** 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. Information on how to submit application forms online can be found [here](#) Electronic payments for various permit applications are now accepted via e-transfer of electronic funds transfer. Review of existing permits only; new building permit applications are not being accepted at this time. Staff are currently working on reviews of active permit applications submitted before March 18. Beginning April 6, inspections will be restricted to unoccupied buildings for new building construction listed by the Ontario government as essential only, until further notice. The Town is

not conducting inspections on occupied or previously occupied buildings or home renovations.

- Further information available on the Town's [website](#).

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.
- [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](#): Electronic Fund Transfers are the preferred method of payment for Planning and Heritage Applications.
- [Building Permits & Inspections](#): Building Code Services ("BCS") will continue to accept and process applications: 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). The preferred method of payment for Building Code Services applications and permits is by cheque. 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). 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.

Region of Peel

- Declared a State of Emergency on March 18, 2020.
- 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 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 cheques 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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