

# COVID-19: JULY 22ND 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, [June 3](#) and [July 6](#), 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, & Status of Reopening the Province

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 July 8, 2020 until **July 24, 2020**, and on July 16, 2020, the [Province extended](#) almost all [Emergency Orders](#) made under s.7.0.2(4) of the *EMCPA* until **July 29, 2020** (click [here](#) for a full list). Note that 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”.

On July 7, 2020, the Province also introduced new legislation (Bill 195: “[Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#)”). If passed, the legislation would “allow orders that remain essential to be continued” even once the Declaration of Emergency has ended. Further, the new legislation will not allow the Province to create new emergency orders, but only amend or remove the existing orders. Bill 195 is [currently](#) in its second reading debate.

By July 24, 2020, 31 regions within the province will have entered into Stage 3, allowing them to increase the number of businesses and public spaces permitted to reopen, and permitting gatherings of up to 50 people indoors, and 100 people outdoors (while still physically distancing). A number of municipalities, such as the City of Toronto and Durham Region, are implementing additional restrictions, including making it mandatory to wear face coverings in commercial establishments and indoor public spaces. Toronto, Peel, and Windsor-Essex will remain in Stage 2.

## The Status of Planning Act Timelines & the Local Planning Appeal Tribunal

As noted in our [previous bulletin](#), the temporary suspension of the Planning Act timelines ended on June 22, 2020, pursuant to [O. Reg. 278/20](#).

We understand that the Local Planning Appeal Tribunal (“**LPAT**”) continues to operate with minimal staff on site at its offices 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 also understand that the LPAT is looking into rescheduling cancelled hearings, especially legacy and Bill 139 matters.

A “working committee” of private and public sector lawyers, together with representatives of the LPAT continue to work towards establishing procedures for alternative hearings arrangements for contested hearings at this time (such as video conference or hybrid hearings). The LPAT is also considering how in-person hearings may be conducted at 655 Bay St., and is planning some in-person hearings before the end of the year (limited to 4 parties), with regular in-person hearings restarting in the new year.

We will continue to monitor this situation and update you as further information becomes available.

### **The Status of GTA Municipalities**

The below represents a list of 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.

**Note re: Provincial Courts (as of July 2, 2020):** The Ontario Court of Justice continues to operate on a reduced schedule. Until further notice, no in-person *Provincial Offences Act* proceedings will be conducted until September 14, 2020. Between July 6 and September 11, 2020, remote judicial pre-trials and remote early resolution guilty pleas may be held.

#### 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.

#### 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.
- **Planning Applications and Appeals:** The City is updating its FAQs for Development Approvals here. Staff are 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 most inspections, but the 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 will continue (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: Inspections of all new construction, including occupancy permits for new and unoccupied buildings, will continue with enhanced procedures for inspector health and safety. Make inspection requests through [ePLAN](#) or by calling 905 475-4850.
- Construction Investigation Requests: Unsafe building reports will be investigated.

### City of Mississauga

- **Declared a State of Emergency** as of March 23, 2020. All public service counters closed until further notice, including City Hall. 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 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. 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. 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. Investigations / inspections of unsafe buildings; 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.
- **[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 is pre-scheduling virtual hearings 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.

### 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 Applications & Appeals: 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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