

Red River Planning District Board

Briefing Memo

DATE: June 5, 2018
RE: Changes to Appeal Hearings in the Planning Act

On 4 June 2018, Bill 19 - *The Planning Amendment Act* received Royal Assent, and immediately went into effect. A copy of the proposed, and now enacted, changes are attached to this briefing. These changes include new requirements for triggering the appeal hearing process in relation to the adoption of, or, amendment to a zoning by-law. As part of these requirements, there will need to be a minimum number of objections made from eligible persons.

Three (3) key changes are to be noted, and are summarized as follows:

1. Appeal hearings for the adoption of a zoning by-law or a by-law amendment require a minimum number of objections from eligible persons, as defined below.
2. If a sufficient number of objections are *not* received at a public hearing, Council may proceed immediately with a second AND third reading. Council still reserves the option to pass a resolution not to proceed with the zoning by-law.
3. If sufficient objections are received from eligible persons and the appeal hearing process proceeds, a sufficient number of second objections must be submitted by the deadline date set out in the notice for an appeal hearing to proceed. These objections must still meet the minimum requirements set out, and must be received from those who objected at the public hearing.

For the purposes of making an objection, the Amendment to the Planning Act Section 73.1(1) states:

... “eligible person” means a person who would be eligible, if a general election were held under *The Municipal Councils and School Boards Elections Act* on the day the objection was made, to vote at an election of members of

- (a) the council of the municipality, in the case of a zoning by-law of a municipality; or
- (b) the council of a member municipality, in the case of a district-wide zoning by-law.

For the purposes of adopting a zoning by-law, objections must be received from at least 25 eligible persons to be considered sufficient.

For the purposes of an amendment to a zoning by-law, objections must be received from at least 25 eligible persons, or from 50% of the total number of owners of property located within 100 meters of the affected property in order to be considered sufficient (a person authorized in writing may make an objection on behalf of an owner within the 100m).