



## **Staff Report for Special Council Meeting**

**Date of Meeting:** April 1, 2020  
**Report Number:** SRPRS.20.066

**Department:** Planning and Regulatory Services

**Division:** Office of the Commissioner

**Subject:** **SRPRS.20.066 - Protocol for Electronic Delegations for Various Council and Committee Meetings During an Emergency**

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### **Purpose:**

To seek Council direction for the establishment of protocol for electronic delegations for various Council and Committee meetings, the Committee of Adjustment and Heritage Richmond Hill Advisory Committee during an emergency.

### **Recommendation(s):**

- a) That Council adopt the procedures outlined in this Staff report;
- b) That the Clerk be authorized to establish and amend any and all protocols and procedures necessary to facilitate the electronic delegations and public submissions at Council and Committee meetings during an emergency, and any such protocols and procedures are deemed to be part of Article 12 of the Procedure By-law 74-12 as amended;
- c) That the Committee of Adjustment meetings scheduled for April 9, 2020, be rescheduled at the discretion of Chair of the Committee of Adjustment; and,
- d) That the Council Public Hearing tentatively scheduled for April 23, 2020 be cancelled.

### **Contact Person:**

Kelvin Kwan, Commissioner of Planning and Regulatory Services, extension 2410

Antonio Dimilta, City Solicitor, extension 2513

Stephen M.A. Huycke, Director of Legislative Services/City Clerk, extension 2529

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### **Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Mary-Anne Dempster, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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### **Background:**

Staff are investigating and testing various opportunities to use technology to conduct electronic delegations and public submissions at Council and Committee meetings during the COVID-19 crisis. This would include stakeholder input for any item at a regularly scheduled Council meeting or Council Public Hearing. The objective of this strategy is to strike a balance between preserving business continuity while giving interested stakeholders the opportunity to participate in City business to the extent possible. A similar approach could be taken with other Council appointed groups such as the Committee of Adjustment and Heritage Richmond Hill. In this regard, Staff are proposing that the Clerk be authorized to establish any procedures required to facilitate electronic public delegations.

Notwithstanding the above, there is significant uncertainty in the legislative and regulatory framework related to public participation in Council and committee meetings which may, if directed by government bodies, tribunals and agencies, require adjustments and cancellations of various types of meetings. The various Provincial emergency orders, as well as direction from the Local Planning Appeal Tribunal, have effectively stopped final decision making on planning and Committee of Adjustment matters. Under the various orders and directives, any decision made by Council is effectively on hold for an indefinite period of time.

### **Development Applications**

During this emergency, staff are seeking to limit the items which go through the Council Public Hearing process. The current process requires that all applications, and including revisions, be considered at a statutory Council Public Hearing. There are however, agenda items which deal with applications, currently under appeal with LPAT. Currently, the City has two such applications: Metroview at Yonge and Garden Avenue (Files numbers D01-18007 and D02-18033) and Goldenville on Carrville Road near Yonge (Files numbers D01-17001 and D02-17003). In light of the fact that these files are under public LPAT hearing appeals, public hearings are not statutory. As such, Council is not the final approval authority for these applications. Given the current circumstances, staff have concluded that it is prudent to revise the City's established planning protocol to have such matters considered at a statutory Council Public Meeting and instead have directional staff reports brought directly to Council prior to the LPAT hearing date. Staff of course would continue to engage in good faith discussions with the applicants to resolve issues during that time leading up to the LPAT hearing.

### **Committee of Adjustment**

The same approach for electronic meetings could also be taken for the Committee of Adjustment. This Committee does not fall within the scope of the City's Procedural By-law and operates under the Provincial Statutory Powers Procedure Act. Schedule 3 of Bill 188, Hearings in Tribunal Proceedings (Temporary

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Measures) Act, 2020 also enacted by the Province on March 25, 2020, deals with Committees under these circumstances. Such meetings may be in person, electronically, in writing or by a combination of said methods, as the tribunal considers appropriate.

There are two upcoming regularly scheduled Committee of Adjustment meetings is on April 9 and 30, 2020. Notices for the April 9 meeting have already been sent. However, these notices were sent on the basis that the meeting would be undertaken as if all circumstances would have been normal as the Council directed municipal building closure directive, scheduled to expire on April 5, 2020, would have ended and as such, there would be no need to conduct electronic meetings. In addition, the Provincial directive for public gatherings of less than five persons is also now in effect. As such, the meeting notices that were recently sent are now defective and the April 9, 2020 meeting must be cancelled and rescheduled.

However, in an effort to continue to operate and promote the City's "open for business" philosophy, an electronic meeting format for the Committee of Adjustment meetings is possible. It is noted however, that the Committee's full authority to finalize decisions is constrained by the Provincial regulation O. Reg. 73/20: Order under subsection 7.1 (2) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, that suspends all timelines prescribed under the Planning Act, (ie. The Committee notice of decision may not be circulated for appeal as that part of the Planning Act process is not in effect during the COVID-19 crisis).

### **Heritage Richmond Hill**

The Heritage Richmond Hill Advisory Committee provides advice to Council on all matters of heritage interest. While this Committee does not operate under the same open meeting rules that Council and the Committee of Adjustment operate, they must still meet to provide advice to Council. In the case of any application to demolish a designated building or structure of heritage interest, the prescribed ninety-day timeline is still in effect.

### **Financial/Staffing/Other Implications:**

Any financial impacts that may be required to acquire or implement technology that will permit electronic delegations are not known at this time. However, it is noted that the preceding processes are being described in the absence of any clear legislation to the contrary. As such, this lack of clarity does potentially expose the City to any appeals to a tribunal of competent jurisdiction.

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### **Next Steps**

All staff and committee members must be provided the technology and training to operate their respective meetings in an efficient and professional manner. In addition, City staff, particularly the Clerk will be formalizing the necessary protocols in preparation for these meetings. It is expected that the new procedures will be operational starting in May.

### **Relationship to the Strategic Plan:**

Adopting electronic meeting procedures during an Emergency is not directly related to the Strategic Plan.

### **Conclusion:**

Recent changes to the Municipal Act to address electronic meetings do not address public participation in various Council meetings, public planning meetings and other committees and adjudicative bodies. Staff are proposing a framework to continue the business of the City different governance bodies during the COVID-19 virus outbreak.

### **Attachments:**

None.

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### Report Approval Details

Document Title:	SRPRS.20.066
Attachments:	None
Final Approval Date:	Mar 31, 2020

This report and all of its attachments were approved and signed as outlined below:

**Kelvin Kwan – Mar 31, 2020**

**MaryAnne Dempster - Mar 31, 2020**