3rd Session, 42nd Legislature

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Bill 37

THE PLANNING AMENDMENT AND CITY OF WINNIPEG CHARTER AMENDMENT ACT

Bilingual version (PDF) | Explanatory Note

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1
THE PLANNING ACT

C.C.S.M. c. P80 amended
1 ***The Planning Act** is amended by this Part.*

2(1) *Subsection 1(1) is amended*

*(a) in the definition "designated employee or officer", by adding "*planning region,*" before "*planning district*"; and*

(b) by adding the following definitions:

"planning region" means the following:

(a) the Capital Planning Region;

(b) any other prescribed planning region. (« région d'aménagement du territoire »)

"regional planning board" means the board of directors of a planning region. (« conseil régional d'aménagement du territoire »)

"regional planning by-law" means a by-law of a planning region that adopts or amends its regional plan under section 10.4. (« règlement régional d'aménagement du territoire »)

2(2) *Subsection 1(3) is repealed.*

3 *Division 2 of Part 2 is replaced with the following:*

DIVISION 2
PLANNING REGIONS

Overview
5 This Division provides for planning regions.

DEFINITIONS AND APPLICATION

Definition of "regional member municipality"
6 In this Division, **"regional member municipality"** means one or more of the municipalities included in a planning region.

City of Winnipeg
7 For certainty, this Division applies to The City of Winnipeg.

FORMATION OF PLANNING REGION

Capital Planning Region
8(1) The Capital Planning Region is hereby established.

Included municipalities and boundaries
8(2) The Capital Planning Region consists of the territory within the boundaries of the following municipalities:

(a) the City of Winnipeg and the City of Selkirk;

(b) the Town of Niverville and the Town of Stonewall;

(c) the Village of Dunnottar;

(d) the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché and West St. Paul.

Regional member municipalities may be changed
8(3) Despite subsection (2), the municipalities of the Capital Planning Region may be varied by the minister by regulation.

Minister may establish planning region
9(1) The minister may, by regulation, establish a planning region for any other region of the province

(a) to enhance economic and social development of the region; and

(b) to improve sustainable land use planning and coordination of planning within the region and across the province.

Considerations and consultations when forming planning region
9(2) In determining whether to establish a planning region, the minister must

(a) have regard for

(i) the economic and social integration of the region, and

(ii) the need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of the region; and

(b) consult with the council of each municipality proposed to be included in the planning region.

Contiguous municipalities
9(3) The municipalities to be included in the planning region must be contiguous.

Name and boundaries
9(4) A planning region regulation must include the name of the region and establish its boundaries.

Referral of proposal to Municipal Board
10(1) The minister may refer to the Municipal Board a proposal concerning the establishment of a planning region that the minister or two or more municipalities have prepared.

Content of proposal
10(2) A proposal must set out

(a) the municipalities that are to be included in the region;

(b) the boundaries of the proposed region; and

(c) the reasons why the proposal meets the criteria under subsection 9(1).

Consultation and hearing
10(3) After a proposal has been referred, the Municipal Board must

(a) hold public hearings in at least two locations in the region to receive representations on the proposed planning region; and

(b) give public notice of the hearings in accordance with section 168.

Recommendation to minister
10(4) After the hearings are held, the Municipal Board must make a recommendation to the minister on the proposal.

MANDATE

Mandate of a planning region
10.1(1) The mandate of a planning region is to enhance economic and social development by improving and coordinating sustainable land use and development in the region through

(a) adopting a regional plan;

(b) facilitating and promoting regional considerations in providing infrastructure and services;

(c) leading the development of regional responses to the planning issues of its regional member municipalities; and

(d) identifying and promoting opportunities for the regional member municipalities to cooperate in the cost-effective development of infrastructure and the provision of services on a regional basis.

Related activities
10.1(2) In carrying out its mandate, a planning region may, with the agreement of a regional member municipality, do the following:

(a) administer and enforce the development plan by-law of the municipality;

(b) administer and enforce

(i) any secondary plan by-law of the municipality,

(ii) the zoning by-law of the municipality,

(iii) the building by-laws of the municipality, or

(iv) the by-laws of the municipality dealing with minimum standards of maintenance and occupancy of buildings.

Planning region powers
10.2(1) For the purpose of carrying out its mandate, a planning region has the capacity and powers of a natural person.

General powers
10.2(2) Subject to any restrictions specified in the regulations, a planning region may

(a) for the purpose of implementing its regional plan, acquire and hold any interest in real property;

(b) acquire and hold personal property;

(c) sell, mortgage, lease or otherwise deal with or dispose of any interest in real or personal property;

(d) receive, expend, loan and invest money;

(e) borrow money and give security for the repayment of money borrowed; and

(f) exercise any other powers that are necessary to carry out its mandate.

Real property may be acquired by expropriation
10.2(3) The acquisition of real property under clause (2)(a) may be by expropriation.

Agreements
10.2(4) Without limitation, a planning region may enter into an agreement with a person or organization respecting development of land within the region.

REGIONAL PLANS

Regional planning by-law
10.3(1) A regional planning board must prepare and adopt a regional plan within two years after the date the planning region is established.

Requirements for regional plan
10.3(2) A regional plan must contain plans and policies respecting

(a) the physical, social, environmental, economic and fiscal objectives for the region for at least a 30-year time span;

(b) sustainable land use and development in the region, having regard to the need

(i) for major commercial and industrial development,

(ii) to protect agricultural land and agricultural operations,

(iii) for residential development and housing,

(iv) for regional parks and other regional recreational opportunities,

(v) to protect against flooding, other hazards and nuisances, and

(vi) to respond to the effects of climate change;

(c) the provision of infrastructure, services and facilities within the region, including drinking water, wastewater, storm water, drainage, solid waste, recycling, transportation, transit and emergency services;

(d) the protection, management and enhancement of the environment within the region, including its water sources, water quality and quantity, sensitive and natural lands, renewable resources, mineral resources and areas of natural, rare or historic significance;

(e) the coordination of planning and development by regional member municipalities;

(f) measures for implementing the plan; and

(g) any other prescribed matter.

Maps and statement of objectives
10.3(3) A regional plan must include maps and statements of objectives to provide direction concerning the plans and policies contained in the regional plan.

Consistency with provincial land use policies
10.3(4) A regional plan must be generally consistent with provincial land use policies.

Process for adopting and amending regional plans
10.4(1) A planning region must adopt, and make any amendments to, its regional plan by by-law in accordance with the regulations and the procedures of the planning region.

Process to be based on development plans of planning districts
10.4(2) The process for adopting or amending a regional planning by-law must be generally consistent with the process that applies in respect of a planning district adopting or amending its development plan by-law.

Ministerial approval
10.4(3) A regional planning by-law is subject to the approval of the minister.

Initiating amendments to a regional planning by-law
10.4(4) In accordance with the regulations, the minister, a planning region or a regional member municipality may initiate an amendment to a regional planning by-law.

Regional plan not subject to appeal
10.4(5) Once adopted, a regional planning by-law is binding on all persons and is not subject to appeal.

Compliance with plans
10.4(6) The adoption of a regional planning by-law does not require the regional planning board, the council of a regional member municipality or any other person or government agency or department to undertake a proposal contained in the by-law.

Review
10.5 A regional planning board must review its regional planning by-law at the times and in the manner set out in the regulations.

Preparation and review of regional plan
10.6 A regional planning board must employ the services of an individual who is a registered professional planner, as defined in *The Registered Professional Planners Act*, when preparing and reviewing its regional planning by-law.

Orders of minister re regional plans
10.7(1) After consulting with a planning region, the minister may order it to adopt or amend its regional planning by-law within a time specified in the order.

Minister may order, amend or replace plan by-law
10.7(2) The minister may prepare a regional planning by-law or an amendment to the by-law if the planning region

(a) fails to comply with an order under subsection (1); or

(b) fails to conduct a review of its regional plan as required under the regulations.

Referral to Municipal Board
10.7(3) The minister may refer to the Municipal Board a regional planning by-law or an amendment to the by-law that the minister has prepared.

Consultation and hearing
10.7(4) After a by-law or an amendment to a by-law has been referred, the Municipal Board must

(a) hold a public hearing to receive representations on the by-law or amendment; and

(b) give notice of the hearing in accordance with section 168.

Recommendation to minister
10.7(5) After holding the hearing, the Municipal Board must make a recommendation to the minister on the matter referred.

LG in C may order adoption
10.7(6) On recommendation of the minister, the Lieutenant Governor in Council may, by order,

(a) adopt the regional planning by-law for a planning region; or

(b) adopt an amendment to the regional planning by-law for a planning region.

Effect of order
10.7(7) An order made under subsection (6) has the effect of enacting the regional planning by-law for a planning region or amending the existing regional planning by-law as if it were enacted or amended by the planning region.

Effect of regional plan
10.8(1) A regional member municipality must ensure that the following are not inconsistent with the regional planning by-law for its region:

(a) its development plan by-law;

(b) any secondary plan by-law it has adopted;

(c) its zoning by-law;

(d) in the case of a regional member municipality of the Capital Planning Region, its drinking water and wastewater management plan prepared under section 62.2.

Three-year transition for by-laws
10.8(2) Within three years after its planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws to ensure that they are not inconsistent with the applicable regional planning by-law.

Exception for bringing plans into alignment
10.8(3) Section 58 (exception for minor amendments) applies, with necessary changes, in respect of an amendment to a development plan by-law that is made to ensure that it is not inconsistent with a regional planning by-law.

Limitation on regional member municipalities
10.9(1) The council of a regional member municipality must not

(a) give third reading to a development plan by-law, secondary plan by-law or zoning by-law that is inconsistent with a regional planning by-law; or

(b) approve or give conditional approval to a subdivision or other development that is inconsistent with a regional plan.

Regional planning by-law is effective immediately
10.9(2) On or after the day the planning region adopts its regional planning by-law, any application that has been made to or is pending before a designated employee or officer, a board, a council or a planning commission, but not finally disposed of, before the day the by-law comes into force is subject to subsection (1).

Regional planning board may require compliance
10.10(1) If a regional planning board determines that a regional member municipality is proposing to take, or has taken, an action described in clause 10.9(1)(a) or (b) that conflicts or is inconsistent with a regional planning by-law, the regional planning board may, by written notice to the municipality, require the municipality to stop the action within the time set out in the notice.

Injunction or other order
10.10(2) If a regional member municipality fails or refuses to comply with a notice under subsection (1), the regional planning board may apply to the Court of Queen's Bench for an injunction or other order.

Decision of the Court
10.10(3) The Court of Queen's Bench may grant or refuse the injunction or other order or may make any order that in the opinion of the Court is just in the circumstances.

ADMINISTRATIVE MATTERS

Planning region is a corporation
10.11(1) A planning region is a corporation without share capital consisting of the members of its board of directors from time to time.

Application of Corporations Act
10.11(2) Subject to the regulations, *The Corporations Act* does not apply to a planning region.

Board of directors
10.12 The regional planning board is responsible for managing, or supervising the management of, the business and affairs of the planning region in accordance with its mandate.

Composition of board
10.13(1) The composition of a regional planning board is to be determined by regulation and is to include at least one director from each of the regional member municipalities.

Appointments continue
10.13(2) A director continues to hold office until they are re-appointed, the appointment is revoked or their successor is appointed.

Vacancy does not impair board's powers
10.13(3) A vacancy in the membership of a regional planning board does not impair the capacity of the remaining members of the board to act.

FINANCIAL MATTERS

Financial contributions
10.14(1) The regional member municipalities must agree on the amount or proportion of funding that each member municipality is to contribute to meet the expenses of the planning region.

If no agreement
10.14(2) The minister must prescribe the amount or proportion of funding that each member municipality must contribute to meet the expenses of the planning region if an agreement under subsection (1) is not reached within the time specified by the minister.

Annual budget for operations
10.15(1) A regional planning board must prepare an annual budget with respect to its operations and submit a copy of its budget to each regional member municipality and the minister.

Fiscal year
10.15(2) The fiscal year of a planning region is the calendar year.

Financial records and systems
10.16(1) A planning region must establish financial management and information systems to enable it to prepare financial statements in accordance with generally accepted accounting principles as set out in the *CPA Canada Standards and Guidance Collection* (CPA Canada Handbooks) published by Chartered Professional Accountants of Canada.

Auditor
10.16(2) The regional planning board must appoint an independent auditor to audit the records, accounts and financial transactions of the planning region each year.

Records to be publicly available
10.16(3) The regional planning board must make its annual budget and annual audit available by publishing them on a publicly accessible website.

Annual report
10.17 A regional planning board must prepare an annual report on its operations within six months after the end of each fiscal year, and must provide a copy of the annual report to each regional member municipality and the minister.

BY-LAWS

By-laws — administrative matters
10.18(1) A regional planning board must make by-laws

(a) respecting procedures of the board and the conduct of its affairs, including

(i) the calling of meetings, including notice of meetings,

(ii) the conduct of meetings and hearings, including rules of procedure, and

(iii) the keeping of minutes and the recording of by-laws;

(b) establishing a code of conduct and a conflict of interest policy for the directors, officers and employees of the planning region.

By-laws — additional matters
10.18(2) The regional planning board may make by-laws

(a) establishing fees and charges for services it provides;

(b) providing for the remuneration of directors;

(c) providing for the indemnification of its directors and officers;

(d) respecting any other matter the board considers advisable for the convenient and efficient carrying out of the mandate of the planning region.

By-laws inconsistent with Acts
10.18(3) A by-law of a planning region that is inconsistent with an enactment in force in the province is of no effect to the extent of the inconsistency.

AMENDMENT OR DISSOLUTION OF PLANNING REGION BOUNDARIES

Dissolving or amending boundaries
10.19(1) The minister may, by regulation,

(a) change the boundaries of a planning region so that a municipality becomes or is no longer a regional member municipality; or

(b) dissolve a planning region.

Distribution of assets and liabilities
10.19(2) If the minister dissolves a planning region or changes the boundaries of a planning region to allow a regional member municipality to withdraw from the planning region, the minister may, after consulting with the regional planning board and regional member municipalities, also determine the manner in which the assets and liabilities of the planning region are to be distributed or allocated.

ROLE OF PLANNING DISTRICTS

Application
10.20(1) This section applies to a planning district if a municipality that is a member of the planning district is also a regional member municipality.

Effect of regional plan
10.20(2) A planning district must ensure that the following are not inconsistent with the regional planning by-law that applies in respect of the regional member municipality:

(a) its development plan by-law;

(b) any secondary plan by-law it has adopted;

(c) the district's own zoning by-law, if it has adopted a district-wide zoning by-law under section 69;

(d) in the case of a planning district that includes one or more regional member municipalities of the Capital Planning Region, its drinking water and wastewater management plan prepared under section 62.2.

Subsections 10.8(2) and (3) and sections 10.9 and 10.10 apply, with necessary changes, to the planning district.

Administration and enforcement of by-laws
10.20(3) A planning region and a planning district may enter into an agreement for the planning region to perform the planning district's role in administering and enforcing

(a) the development plan by-law for the entire district under clause 14(a); or

(b) the by-laws referenced in clause 14(b).

Costs
10.20(4) Any costs incurred by the planning region in respect of an agreement under subsection (3) must be paid by the planning district and are not to be included in the amounts determined under subsection 10.15(1).

Amendments to a regional plan
10.20(5) In addition to those persons or entities referenced in subsection 10.4(4), a planning district may initiate an amendment to an applicable regional plan.

REGULATIONS

Regulations
10.21(1) The minister may make regulations

(a) prescribing the number, or the method of determining the number, of members to be appointed to a regional planning board, the manner in which they may be appointed and any eligibility criteria and qualifications to be met by them;

(b) prescribing the time and manner in which vacancies on a regional planning board are to be filled;

(c) prescribing term limits for members of a regional planning board;

(d) specifying the member who is to serve as the chair or the vice-chair of a regional planning board, or the manner in which the chair or vice-chair may be determined;

(e) establishing the voting structure for the planning region, including providing that the votes of the respective regional member municipalities be weighted in approximate proportion to their relative populations, land values, degree of development activities or any other factor considered relevant by the minister;

(f) prescribing quorum for the purpose of a regional planning board;

(g) prescribing matters that must be addressed in a regional planning by-law;

(h) prescribing the time and manner in which the regional planning board is to review its regional planning by-law;

(i) respecting the process to be followed by the regional planning board in adopting, reviewing or repealing its regional planning by-law;

(j) respecting the making of applications to amend a regional planning by-law, including the process to be followed in considering applications and approving, refusing or rejecting applications;

(k) respecting appeals of decisions made in respect of the matters described in clause (i) or (j), including designating the Municipal Board or another entity to hear and decide the appeal;

(l) respecting the form and manner in which an appeal must be made, the time within which an appeal must be made and the consequences of not making an appeal in accordance with the regulations;

(m) respecting procedures and notice requirements for the hearing of appeals and other matters if a planning region enters into an agreement under subsection 10.1(2) or 10.20(3);

(n) prescribing the amount or the portion of the amount required for the operation of a planning region that is to be paid by each regional member municipality, or the manner in which the portion may be determined;

(o) respecting information a planning region must make public, and the manner in which the information is to be made public;

(p) respecting the extent to which *The Corporations Act* applies to a planning region;

(q) respecting transitional matters when land in an area of a municipality is prescribed to be in a planning region;

(r) respecting any other matter the minister considers necessary or advisable for effective and efficient land use planning in a planning region.

Application of regulations
10.21(2) A regulation under this Division may be general or particular in its application.

4 *The following is added after subsection 12(6):*

Impact of regional plans
12(7) If a special planning area is within a planning region, the minister must take reasonable measures to ensure that land use planning for the special planning area is coordinated with the regional planning of the planning region.

5 *Section 13 is amended by adding "*Division 2 of Part 2 and*" before "*this Part*".*

6(1) *Subsection 46(1) is amended by striking out "*Between first and second*" and substituting "*Before or after a board or council gives first*".*

6(2) *Subsection 46(2) is amended*

*(a) by replacing the section heading with "*Second reading*";*

*(b) in clause (a), by adding "*proceed to*" before "*give*"; and*

*(c) in subclause (b)(iii), by adding "*proceed to*" before "*give*".*

7(1) *Subsection 47(1) is replaced with the following:*

Submission to minister
47(1) As soon as reasonably practicable after the development plan by-law is given second reading, the board or council must submit the following to the minister, in the form and manner directed by the minister:

(a) a certified copy of the by-law;

(b) a copy of the minutes of the hearing held under subsection 46(1) and each written submission filed at the hearing.

7(2) *Subsection 47(2) is repealed.*

8 *Clause 50(1)(b) is amended by adding the following after subclause (i):*

(i.1) a regional planning board, if any land within its region is subject to the development plan,

9 *Clause 53(c) is amended by striking out "*and*" at the end of subclause (i), adding "*and*" at the end of subclause (ii) and adding the following after subclause (ii):*

(iii) the regional planning board, if any land within its region is subject to the development plan.

10 *Section 55 is amended by adding the following after clause (a):*

(a.1) a regional planning board, if any land within its region is subject to the development plan;

11 *The following is added after subsection 59(2):*

Consultation with minister and region
59(2.1) As part of a review of its development plan, a board or council must consult with any applicable planning region, the minister and any other person or organization designated by the minister.

12 *The following is added after subsection 62.2(3):*

Interpretation — "capital region"
62.2(4) In this section, a municipality is considered to be in the capital region only if it is a regional member municipality of the Capital Planning Region.

13 *Clause 63(1)(b) is amended by striking out "*subdivision, design*" and substituting "*subdivision design*".*

14 *Section 64 is replaced with the following:*

Adoption and amendment process
64 A secondary plan by-law and an amendment to a secondary plan by-law are subject to

(a) the same hearing and approval process required to adopt a zoning by-law under Part 5; and

(b) the same appeals process that applies to a zoning by-law or an amendment to a zoning by-law.

15 *Subsection 74(1) is amended by striking out "*Between first and second reading of a zoning by-law, a board, council or*" and substituting "*Before or after a board or council gives first reading of a zoning by-law, a board or council or a*".*

16 *Clause 75(a) is amended by adding "*proceed to*" before "*give*".*

17(1) *Subsection 76(5) is replaced with the following:*

Hearing if sufficient objections
76(5) If the board or council receives sufficient objections by the deadline set out in the notice under subsection (3), it must as soon as reasonably practicable, refer the objections to the Municipal Board.

17(2) *Subsection 76(6) is repealed.*

18(1) *Subsection 77(5) is replaced with the following:*

Referring objections
77(5) If a board or council receives sufficient objections by the deadline set out in the notice under subsection (3), it must, as soon as reasonably practicable, refer the objections to the Municipal Board.

18(2) *Subsections 77(6) to (11) are repealed.*

19 *The following is added after section 77 and before the centred heading that follows it:*

MUNICIPAL BOARD

Requirement for third reading
77.1(1) If the board or council refers an objection under subsection 76(5) or 77(5), it must not give the by-law third reading unless

(a) the Municipal Board makes an order under clause (4)(a) confirming the parts of the by-law that were the subject of the objection; or

(b) the board or council, as the case may be, complies with an order of the Municipal Board under clause (4)(b) (alteration of by-law).

Hearing
77.1(2) Within 120 days after receiving an objection, the Municipal Board must hold a public hearing to receive representations from any person in respect of the objection.

Notice of hearing
77.1(3) At least 14 days before the hearing, the Municipal Board must

(a) send notice of the hearing to

(i) the applicant,

(ii) the board or council that referred the objection,

(iii) the regional planning board, if any land within its region is subject to the by-law,

(iv) every person who made a representation at the hearing held under subsection 74(1), and

(v) any other person the Municipal Board considers appropriate; and

(b) give public notice of the hearing by publishing a notice on a website available to the public.

Order
77.1(4) The Municipal Board must make an order

(a) confirming or refusing to confirm any part of the by-law that was the subject of the objection; or

(b) directing the board or council to alter the by-law in the manner the Municipal Board specifies to address any representations on the objection made at the hearing.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

Effect of decision
77.1(5) A board or council must not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under subsection (4).

Notice of decision
77.1(6) The Municipal Board must make the order within 60 days after the hearing is concluded and must send a copy of the order to the board or council that referred the objection and to every person who made a representation at the hearing held under subsection (2).

Delayed decision
77.1(7) If the minister is reviewing a development plan by-law or an amendment to a development plan by-law at the same time as an objection to a zoning by-law for the same area is being considered under this section, the Municipal Board may delay making an order until the minister has made their decision.

Order not subject to appeal
77.1(8) The order of the Municipal Board is final and not subject to appeal.

20 *Subsection 78(1) is amended*

*(a) in the part before clause (a), by striking out "*subsections 77(6) to (11)*" and substituting "*section 77.1*"; and*

(b) by adding the following after clause (a):

(a.1) the regional planning board, if any land within its region is subject to the zoning by-law;

21 *The following is added after subsection 79(2):*

Notice to applicant
79(3) In the case of an amendment to a zoning by-law initiated under clause 80(1)(b), notice under subsection (1) or (2) must also be given to the applicant.

22 *The following is added after section 82:*

APPEALS CONCERNING ZONING

Appeal of refusal or conditions
82.1(1) In respect of an application for an amendment to a zoning by-law initiated under clause 80(1)(b), the applicant may appeal to the Municipal Board

(a) if a board or council resolves not to proceed with the by-law amendment; or

(b) if, as a condition of amending the zoning by-law, the owner of the affected property is required to enter into a development agreement under section 150.

Right to appeal if failure to proceed
82.1(2) In respect of an application for an amendment to a zoning by-law initiated under clause 80(1)(b), the applicant may appeal to the Municipal Board

(a) if the board, council or planning commission fails to hold the public hearing or hearings required under section 74 within 90 days after the application is made;

(b) if section 75 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

(i) give the by-law second and third reading,

(ii) resolve not to proceed with the by-law;

(c) if section 76 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

(i) give the by-law third reading,

(ii) resolve not to proceed with the by-law,

(iii) refer the objections to the Municipal Board; or

(d) if section 77 applies and the board or council fails to take one of the following actions within 60 days after the hearing or hearings are held under section 74:

(i) give the by-law third reading,

(ii) resolve not to proceed with the by-law,

(iii) refer the objections to the Municipal Board.

How to appeal
82.1(3) An appeal may be commenced by sending a notice of appeal to the Municipal Board,

(a) in the case of an appeal under subsection (1), within 60 days after the board or council

(i) gives notice under subsection 79(3), or

(ii) imposes a condition under section 150; or

(b) in the case of an appeal under subsection (2), within 90 days after the board, council or planning commission fails to take an action described in clauses (2)(a) to (d) within the specified time period.

Notice of appeal
82.1(4) A notice of appeal must include the following information:

(a) the legal description of the land that is subject to the application and the name of the municipality in which the land is located;

(b) the name and address of the appellant;

(c) if the decision relates to conditions imposed in a conditional approval, a description of the conditions being appealed.

Appeal hearing
82.1(5) The Municipal Board must hold a hearing to consider the appeal within 120 days after the notice of appeal is received.

Notice of hearing
82.1(6) At least 14 days before the hearing, the Municipal Board must

(a) send notice of the hearing to

(i) the appellant,

(ii) the applicable board, council or planning commission,

(iii) the regional planning board, if any land within its region is subject to the by-law, and

(iv) any other person the Municipal Board considers appropriate; and

(b) give public notice of the hearing by publishing a notice on a publicly accessible website.

Decision of Municipal Board
82.1(7) The Municipal Board must make an order

(a) rejecting the proposed amendment to the zoning by-law;

(b) confirming the proposed by-law or any part of it; or

(c) directing the board or council to alter the by-law in the manner it specifies.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

Effect of decision
82.1(8) The board or council must not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under subsection (7).

Notice of decision
82.1(9) The Municipal Board must make its order within 60 days after the hearing is concluded and must send a copy of the order to the appellant, the board, council or planning commission and any other party to the appeal.

Decision not subject to appeal
82.1(10) A decision of the Municipal Board on an appeal is final and not subject to further appeal.

Costs on appeal re failing to proceed
82.2(1) If, in respect of an appeal under subsection 82.1(2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
82.2(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

23 *Subsection 110(2) is replaced with the following:*

Extending approval deadline
110(2) A board, council or planning commission may extend the deadline under subsection (1)

(a) for a period of no longer than 12 months if an application is received before the expiry of the original deadline; and

(b) for a second period of no more than 12 months if an application is received before the expiry of the first extension.

24 *The Division heading before section 118.1 is replaced with the following:*

DIVISION 3
APPEALS CONCERNING CONDITIONAL USES

25 *Section 118.1 is amended by repealing the definition "aggregate quarry".*

26(1) *Subsection 118.2(1) is replaced with the following:*

Right to appeal
118.2(1) An applicant for approval of a conditional use under Division 1 or 2 may appeal the following decisions of a board or council to the Municipal Board:

(a) a decision to reject the application;

(b) a decision to impose conditions.

Right to appeal if failure to proceed
118.2(1.1) An applicant may also appeal to the Municipal Board in the following circumstances:

(a) for an application concerning a conditional use other than a large-scale livestock operation,

(i) if the board, council or planning commission fails to hold a hearing under section 105 within 60 days after the applicant complies with the application requirements under section 103,

(ii) if the board, council or planning commission fails to make a decision under subsection 106(1) within 30 days after the date the hearing was held, or

(iii) if, on an appeal of an order made by a planning commission, the board or council fails to make a decision within 60 days after the appeal is filed;

(b) for an application concerning a large-scale livestock operation,

(i) if the board, council or planning commission fails to hold a hearing of the application within 60 days after receiving the Technical Review Committee report concerning the application,

(ii) if the board, council or planning commission fails to make a decision under subsection 116(1) within 30 days after the date the hearing was held, or

(iii) if, on an appeal of an order made by a planning commission, the board or council fails to make a decision within 60 days after the appeal is filed.

26(2) *Clause 118.2(2)(a) is amended by striking out "*an aggregate quarry*" and substituting "*a conditional use other than a large-scale livestock operation*".*

26(3) *The following is added after subsection 118.2(3):*

Timing of appeals for failing to proceed
118.2(4) Despite subsection (2), an appeal under subsection (1.1) may be commenced at any time within 90 days after the board, council or planning commission fails to take an action described in clause (1.1)(a) or (b) within the time period specified.

27 *Subclause 118.4(1)(b)(i) is amended by striking out "*an aggregate quarry*" and substituting "*a conditional use other than a large-scale livestock operation*".*

28 *The following is added after section 118.4:*

28 The following is added after section 118.4:

Costs on appeal re failing to proceed
118.4.1(1) If, in respect of an appeal under subsection 118.2(1.1), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
118.4.1(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

29 *Clause 118.5(a) is amended by striking out* "an aggregate quarry" *and substituting* "a conditional use other than a large-scale livestock operation".

30 *The following is added after subsection 125(4):*

If no decision within specified time
125(4.1) For a subdivision application subject to this section, an applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board under section 129 if the council fails to pass a resolution respecting the application within 90 days after it is received by the council.

31 *Subsection 125.1(6) is amended by striking out* "clause 126(1)(a), and no appeal lies from such a decision" *and substituting* "clause 126(2)(a)".

32 *The following is added before the centred heading before section 126:*

If no decision within specified time
125.3 For an application for a minor subdivision, an applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board under section 129 if the application is not dealt with within 60 days after it is received by the council.

33(1) *Subsection 126(1) is repealed.*

33(2) *Subsection 126(2) is amended by replacing everything before clause (a) with the following:*

Decision of approving authority
126(2) After receiving notice of a decision under subsection 125(4) or 125.1(7), the approving authority must consider the application and do one of the following:

34(1) *Subsection 129(2) is repealed.*

34(2) *Clause 129(3)(b) is replaced with the following:*

(b) within 30 days after the expiry of the time specified in subsection 125(4.1), section 125.3 or subsection 126(5), if the approving authority has failed to make a decision.

35 *The following is added after section 131 and before the centred heading that follows it:*

Costs on appeal re failing to proceed
131.1(1) If, in respect of an appeal under subsection 125(4.1) or section 125.3, the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
131.1(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

36 *Clause 146(1)(a) is amended by adding the following after subclause (i):*

(i.1) respecting time periods for processing applications by approving authorities under section 124,

37 *The following is added after subsection 147(2):*

Determination on application to be made in 20 days
147(3) Within 20 days after an application for a development permit is submitted, a designated employee or officer of a planning district or municipality must determine whether the application is complete.

When application is complete
147(4) An application is complete if, in the opinion of the designated employee or officer, the application contains the documents and other information necessary to review the application.

Extension by agreement
147(5) The time period referred to in subsection (3) may be extended by an agreement in writing between the applicant and the planning district or municipality.

Applications to be forwarded
147(6) The designated employee or officer must ensure that a completed application is forwarded to the board or council as soon as reasonably practicable.

38 *The following is added after section 149 and before the centred heading that follows it:*

Obligation to enter development agreement
149.1(1) As a condition of issuing a development permit, a board or council may require the owner of the affected property to enter into a development agreement under section 150 with the planning district or municipality in respect of the affected property and any contiguous land owned or leased by the owner.

Application
149.1(2) This section applies only in respect of the following:

(a) a development permit for a prescribed major occupancy;

(b) a development permit for a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks or traffic controls works.

Regulations
149.1(3) The minister may make regulations prescribing an occupancy to be a major occupancy for the purpose of clause (2)(a).

Appeals re development permits
149.2(1) In respect of an application for a development permit, the applicant may appeal the following decisions of a board or council to the Municipal Board:

(a) a decision to reject the application;

(b) a decision to impose conditions on the issuance of a development permit.

Right to appeal if failure to issue permit
149.2(2) If the board or council fails to make a decision on an application in the applicable time period described under section 148, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board.

Application
149.2(3) Subsections 82.1(3) to (10) apply, with necessary changes, to an appeal under this section.

Costs on appeal re failing to proceed
149.2(4) If, in respect of an appeal under subsection (2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application, the Board may make an order requiring the planning district or municipality to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
149.2(5) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

39 *The following is added after section 151 and before the centred heading that follows it:*

Failing to conclude development agreement
151.0.1 If a board, council or planning commission and the owner of the affected property are unable to agree to the terms or conditions of a development agreement within 90 days after the agreement is required under section 150, the owner may appeal the matter to the Municipal Board under clause 151.0.3(1)(a).

Application to amend a development agreement
151.0.2(1) The owner of property that is subject to a development agreement may apply to the planning district or municipality to amend the agreement.

Decision
151.0.2(2) On receiving an application, a planning district or municipality may agree to vary the conditions of a development agreement, require new conditions or reject the application.

Appeals re development agreement
151.0.3(1) An applicant may appeal the following to the Municipal Board:

(a) in respect of a development agreement required under section 150, the terms and conditions to be included in such an agreement;

(b) in respect of an application to amend a development agreement made under subsection 151.0.2(1),

(i) a decision of a board or council to reject the application, or

(ii) a decision of a board or council to require a new or varied condition in a development agreement.

Right to appeal if failure to decide
151.0.3(2) If the board or council fails to make a decision on an application to amend a development agreement within 90 days, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board.

How to appeal
151.0.3(3) An appeal may be commenced by sending a notice of appeal to the Municipal Board,

(a) in the case of an appeal under clause (1)(a), within 30 days after the expiry of the time period for coming to an agreement under section 151.0.1;

(b) in the case of an appeal under clause (1)(b), within 30 days after the board or council makes a decision described in that clause; or

(c) in the case of an appeal under subsection (2), within 30 days after the board, council or planning commission fails to make a decision on the application within the time period specified.

Notice of appeal
151.0.3(4) A notice of appeal must include the following information:

(a) the legal description of the land that is subject to the application and the name of the municipality in which the land is located;

(b) the name and address of the appellant;

(c) if the decision relates to conditions imposed in a development agreement, a description of the conditions being appealed.

Appeal hearing
151.0.3(5) The Municipal Board must hold a hearing to consider the appeal within 120 days after the notice of appeal is received.

Notice of hearing
151.0.3(6) At least 14 days before the hearing, the Municipal Board must

(a) send notice of the hearing to

(i) the appellant,

(ii) the applicable board, council or planning commission,

(iii) the regional planning board, if any land within its region is subject to the by-law, and

(iv) any other person the Municipal Board considers appropriate; and

(b) give public notice of the hearing by publishing a notice on a website available to the public.

Decision of Municipal Board
151.0.3(7) The Municipal Board must make an order

(a) rejecting the requirement that the applicant enter a development agreement; or

(b) specifying or confirming the content of the development agreement.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

Notice of decision
151.0.3(8) The Municipal Board must make the order within 60 days after the hearing is concluded and must send a copy of the order to the appellant, the board, council or planning commission and any other party to the appeal.

Decision not subject to appeal
151.0.3(9) A decision of the Municipal Board on an appeal is final and not subject to further appeal.

Costs on appeal re failing to proceed
151.0.4(1) If, in respect of an appeal under section 151.0.1 or subsection 151.0.3(2), the Municipal Board is satisfied that there was an unreasonable delay by the planning district or municipality in dealing with the appellant's application or matter, the Board may make an order requiring the planning district or municipality to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
151.0.4(2) For certainty, nothing in this section limits the discretion of the Municipal Board under section 58 of *The Municipal Board Act*.

40 *The heading for Part 11 is replaced with* "NOTICES, HEARINGS AND DECISIONS".

41 *Subsection 168(1) is amended by adding the following after clause (d):*

(e) a hearing on a proposal to establish a planning region under subsection 10(3);

(f) a hearing on the adoption of a regional planning by-law under subsection 10.7(4).

42 *Subsection 169(5) is amended by striking out* "section 118.1" *and substituting* "subsection 1(1) of *The Mines and Minerals Act*".

43 *The following is added after subsection 174(2):*

Effect of combined hearing
174(3) If a combined hearing is held but a decision on the application is not made within the longest time period applicable under subsection 82.1(2) or 118.2(1.1) or section 125.3, 151.0.1 or 151.0.3, the applicant may consider their application to have been rejected and may appeal the matter to the Municipal Board, and subsections 82.1(3) to (9) apply, with necessary changes, to the appeal.

44 *The following is added after section 174 as part of Part 11:*

DIVISION 3
DECISIONS

Reasons to be provided
174.1 A regional planning board, a board, a council, a planning commission or a designated employee or officer must ensure that written reasons accompany the following decisions:

(a) a decision to resolve not to adopt a development plan by-law, secondary plan by-law or a zoning by-law, including a decision not to adopt an amendment to any of them, on application made by an owner of the affected property;

(b) a decision to reject an application for a conditional use;

(c) a decision to reject an application for subdivision approval.

45 *Subsection 175(1) is amended*

(a) in the part before clause (a), by adding "planning region," *before* "planning district"; *and*

(b) in subclause (a)(i), by adding "region," *before* "district".

46 *Subsection 176(2) is amended by adding* "planning region," *before* "planning district".

47(1) *Clause 178(1)(a) is amended by adding* "planning region," *before* "planning district".

47(2) *Subsection 178(3) is amended by adding* "the regional planning board or" *before* "the board" *wherever it occurs.*

48(1) *Subsection 179(1) is amended*

(a) in the part before clause (a), by adding "planning region," *before* "planning district"; *and*

(b) in clause (d), by striking out "the board or council was to allow the district or the municipality" *and substituting* "the regional planning board or the board or council was to allow the region, district or municipality".

48(2) *Subsection 179(2) is amended*

(a) by adding "planning region," *before* "planning district"; *and*

(b) by striking out "the district" *and substituting* "the region, district".

49 *The centred heading before section 181 is replaced with the following Part heading:*

PART 12.1
OFFENCES AND PENALTIES

50 *Section 184 is replaced with the following:*

Designated employees and officers
184 When a provision of this Act refers to a designated employee or officer, a regional planning board, the board of a planning district or the council of a municipality may, by by-law, designate an employee or officer of the region, district or municipality, as the case may be, to carry out the power or responsibility.

51 *Section 186 is amended*

(a) by replacing the section heading with "Records of planning regions and planning districts"; *and*

(b) by striking out everything after "record of" *and substituting* "a planning region or planning district that has been certified to be a true copy of the original record by a designated employee or officer of the region or district.".

52 *Section 188 is renumbered as subsection 188(1) and the following is added as subsection 188(2):*

Alteration of boundaries — regions
188(2) Subsection (1) applies, with necessary changes, to a regional planning by-law if land located in one planning region becomes part of another planning region because of an annexation or other alteration of municipal boundaries.

53 *Section 192 is amended, in the part before clause (a), by adding* "regional planning board," *before* "board".

PART 2
THE CITY OF WINNIPEG CHARTER

S.M. 2002, c. 39 amended
54 ***The City of Winnipeg Charter** is amended by this Part.*

55 *Division 1 of Part 6 is renumbered as Division 1.1 and the following is added as Division 1:*

DIVISION 1
CAPITAL PLANNING REGION

Application
223.1 This Part is subject to Division 2 of Part 2 of *The Planning Act*.

56 *The following is added after subsection 226(3):*

Consultation with minister and region
226(3.0.1) On beginning a review of Plan Winnipeg, council must consult with the Capital Planning Region, the minister and any other person or organization designated by the minister.

57(1) *Subsection 227(1) is amended*

(a) in clause (a), by striking out "the executive policy" *and substituting* "a designated"; *and*

(b) in clause (b), by striking out "executive policy" *and substituting* "designated".

57(2) *Subsection 227(2) is amended, in the part before clause (a), by striking out* "executive policy" *and substituting* "designated".

58 *Section 228 is amended by striking out* "executive policy" *wherever it occurs and substituting* "designated".

59(1) *Subsection 230(1) is amended*

(a) in subclause (a)(ii), by striking out "executive policy" *and substituting* "designated";

(b) in clause (b), by adding "within 120 days after the referral is received," *before* "conduct"; *and*

(c) in clause (c), by adding "within 60 days after completing the hearing," *before* "submit".

59(2) *The following is added after subsection 230(2):*

Notice on non-adoption
230(3) The city must, as soon as reasonably practicable, give the minister written notice if council does not pass the proposed Plan Winnipeg by-law, as approved under subsection (2).

60 *Subsection 234(3) is replaced with the following:*

Adoption and amendment process
234(3) A secondary plan by-law and an amendment to a secondary plan by-law are subject to the same approval process required for a zoning by-law or a by-law amendment to a zoning by-law under this Part.

61 *The following is added after section 235 as part of Division 1.1:*

Secondary plan not a pre-condition
235.1 Subject to section 246, no decision on an application made under this Part may be delayed, and no permit may be withheld, pending the preparation or adoption of a secondary plan or an amendment to a secondary plan.

62(1) *Subsection 236(3) is amended, in the part before clause (a), by striking out* "or after".

62(2) *Subsection 236(3) is further amended by renumbering it as subsection 236.1(2) and adding the following as subsection 236.1(1):*

Interpretation: when are objections sufficient?
236.1(1) To be sufficient for the purpose of this section,

(a) in the case of a proposed zoning by-law, objections must be received from at least 25 voters; or

(b) in the case of a proposed by-law that amends a zoning by-law, objections must be received from at least

(i) 25 voters, or

(ii) 50% of the total number of registered owners of land located within 100 metres of the real property affected by the by-law.

62(3) *The following is added as subsections 236.1(3) to (9):*

Alteration to zoning by-law
236.1(3) If, after the hearing, council proposes to alter the by-law, a second hearing must be held in accordance with subsection (2) to receive representations on the alterations to the by-law.

No hearing for minor alteration
236.1(4) A second hearing is not required if the alteration is a minor one that does not change the intent of the by-law.

Effect of objections
236.1(5) After receiving a report from the designated committee of council, council may,

(a) if there are not sufficient objections to the zoning by-law at the hearing,

(i) proceed to adopt the by-law without further notice, or

(ii) reject the by-law either in whole or in part; or

(b) if there are sufficient objections,

(i) proceed to give first reading to the by-law, or

(ii) reject the by-law either in whole or in part.

Notice of first reading: sufficient objections
236.1(6) As soon as practicable after a proposed zoning by-law is given first reading under subclause (5)(b)(i), the city must give notice by ordinary mail to every person who made submissions at the hearing conducted by the designated committee of council respecting the proposed by-law, stating that

(a) council has given first reading to the proposed by-law; and

(b) any person who made submissions at the hearing respecting the proposed by-law may file an objection, with stated reasons, with the city within 14 days after the day the notice is given.

Referral to Municipal Board
236.1(7) If the city receives sufficient objections within 14 days after the day the notice is given, the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.

Hearing by Municipal Board
236.1(8) If a proposed zoning by-law is referred to The Municipal Board, the board must

(a) conduct a hearing respecting the proposed by-law within 120 days after the by-law being referred to it;

(b) at least 14 days before the hearing, give notice of a hearing respecting the proposed by-law in accordance with clause 230(1)(a) (hearing by Municipal Board), which applies, with necessary changes, and by publishing a notice of the hearing on a website available to the public; and

(c) within 60 days after conducting the hearing, submit a report, with recommendations, to council in respect of the proposed by-law.

Restrictions on adoption of by-law
236.1(9) Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.

63(1) *Subsection 240(1) replaced with the following:*

Authority for development agreements
240(1) The city may require a person to enter into a development agreement with the city respecting the development of their land and any contiguous real property owned or leased by them if they submit an application under subsection 275(1) for any of the following:

(a) the adoption of, or an amendment to, a zoning by-law;

(b) the approval of a conditional use or variance.

Content of development agreement
240(1.1) A development agreement under subsection (1) may provide for any of the following:

(a) the use of the land and any existing or proposed building;

(b) the timing of construction of a proposed building;

(c) the siting and design of a proposed building, including the materials to be used for the building exterior;

(d) the provision of affordable housing, if the application is in respect of a new residential development that is subject to a requirement under clause 236(2)(t.1);

(e) traffic control and parking facilities;

(f) landscaping, open space and grading of land;

(g) in the case of the adoption of, or an amendment to, a zoning by-law, any condition described in subsection 259(1).

63(2) *Subsection 240(4) is replaced with the following:*

Timing of agreement
240(4) Council may authorize the execution of a development agreement before passing a zoning by-law or approving a plan of subdivision, conditional use or variance, but such a development agreement is subject to the approval of council and to the adoption of a zoning by-law or the approval of a plan of subdivision, conditional use or variance.

64 *Section 240.1 is amended, in the part before clause (a), by striking out* "clause 240(1)(c.1)" *and substituting* "clause 240(1.1)(d)".

65 *The following is added after section 240.1 and before the centred heading that follows it:*

Development agreement for a permit
240.1.1(1) As a condition of issuing a permit that authorizes the following developments, the city may require the owner of real property affected by the application to enter into a development agreement with the city respecting the development and any adjacent real property owned or leased by the owner:

(a) a prescribed major occupancy;

(b) a development that requires new construction or expansions of existing sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks or traffic controls works.

Limitation
240.1.1(2) Despite subsection (1), a development agreement under this section must not impose a condition under clause 259(1)(a) or (b).

Regulations
240.1.1(3) The minister may make regulations prescribing an occupancy to be a major occupancy for the purpose of clause (1)(a).

66 *The centred heading* "PERMITS" *is added after section 244.*

67(1) *The following is added after subsection 246(1):*

Application for permit
246(1.1) In respect of an application for a permit to which this section relates,

(a) the city must give the owner of real property written confirmation of the date their application was received by the city; and

(b) a designated employee must, within 20 days after the application is received, determine if the application is complete.

When application is complete
246(1.2) An application is complete if, in the opinion of the designated employee, the application contains the documents and other information necessary to review the application.

Extension by agreement
246(1.3) The time period referred to in clause (1.1)(b) may be extended by an agreement in writing between the applicant and the city.

Applications to be forwarded
246(1.4) The designated employee must ensure that a completed application is forwarded to council as soon as reasonably practicable.

67(2) *Subclause 246(2)(b)(ii) is amended by striking out* "subsection 236(3)" *and substituting* "subsection 236.1(2)".

68 *The following is added after section 246 and before the centred heading that follows it:*

Failing to issue permit when by-law changes are not pending
246.1 If a permit that is subject to section 246 is withheld for longer than 60 days, the owner of the land is entitled to compensation for damages resulting from the withholding of the permit — except as provided in clauses 246(2)(b) and (c) — and subsections 245(2) and (3) apply, with necessary changes, in respect of the withholding.

69 *Subsection 251(2) is replaced with the following:*

Appeals to committee of council
251(2) An appeal under subsection (1) must be heard by a designated committee of council.

70(1) *Clause 270(1)(b) is amended by adding* "planning region or" *before* "planning district".

70(2) *Subsection 270(3) of the French version is amended by striking out* "règlement municipal" *and substituting* "projet de règlement municipal portant".

71(1) *Clause 274(2)(a) is amended by striking out* ", but only in relation to an amendment to Plan Winnipeg initiated by an application made under clause 225(1)(b)" *and substituting* "(hearing on Plan Winnipeg)".

71(2) *Clause 274(2)(c) is amended by striking out* "subsection 236(3)" *and substituting* "subsection 236.1(2)".

72(1) *Subsection 275(1) is replaced with the following:*

Initiation of development proposals
275(1) An application for the following may be made by the owner of the real property to which the application refers:

(a) an amendment to a secondary plan;

(b) the adoption of, or an amendment to, a zoning by-law;

(c) the approval of a plan of subdivision, conditional use or variance;

(d) an amendment to a development agreement;

(e) consent to registration or filing of a conveyance.

72(2) *Clause 275(2)(a) is amended by adding* "the regional planning by-law of the Capital Planning Region," *before* "Plan Winnipeg".

72(3) *The following is added after subsection 275(2):*

Appeal of rejection
275(3) A refusal of an application under subsection (2) may be appealed by the owner in accordance with section 282.1.

73 *Section 277 is amended*

(a) in the part before clause (a), by adding "or an appeal under section 282.1 or 282.2 (appeals to Municipal Board)" *before* ", the notice"; *and*

(b) in subclause (b)(ii), by striking out "on any municipality" *and substituting* "the Capital Planning Region and any municipality".

74(1) *Subsection 278(2) is repealed.*

74(2) *Subsection 278(3) is amended by striking out* "under subsection (2)".

75 *The following is added after subsection 280(2):*

Reasons for rejection
280(2.1) A hearing body that rejects an application must provide written reasons for the rejection.

76 *Section 281 is renumbered as subsection 281(1) and the following is added as subsection 281(2):*

Reasons for rejection
281(2) Council must provide written reasons if council rejects a by-law under clause (1)(b).

77 *The following is added after section 282 as part of Part 6:*

APPEALS TO THE MUNICIPAL BOARD

Appeal of decisions
282.1(1) The owner of real property to which an application under subsection 275(1) relates may appeal the following decisions to The Municipal Board:

(a) the refusal or rejection of

(i) an application respecting a secondary plan by-law or a zoning by-law,

(ii) an application to approve a plan of subdivision,

(iii) an application for a conditional use;

(b) the refusal of an application to amend a development agreement;

(c) the refusal to consent to registration or filing of a conveyance;

(d) a decision to impose conditions on the approval of an application referred to in clauses (a) or (b);

(e) a decision to reject an application for a permit for a proposed development as not conforming to the regional planning by-law of the Capital Planning Region, a Plan Winnipeg by-law or a secondary plan by-law;

(f) a decision of a designated employee that an application is incomplete.

No appeal if conformance with Municipal Board recommendations
282.1(2) Despite subsection (1), no appeal may be made in respect of a zoning by-law, or a condition that is imposed in respect of a zoning by-law, that conforms with the requirements under subsection 236.1(9).

Time limit for appeal
282.1(3) An appeal may be commenced by sending a notice of appeal to The Municipal Board within 30 days after the notice of decision is received.

Notice of appeal
282.1(4) A notice of appeal must include the following information:

(a) the legal description of the land that is subject to the application;

(b) the name and address of the appellant;

(c) if the decision relates to conditions imposed on an approval, a description of the conditions being appealed.

Notice and appeal hearing
282.1(5) On receiving an appeal, The Municipal Board must

(a) give notice of a hearing respecting the appeal by ordinary mail to

(i) the city,

(ii) every person who made submissions at a public hearing conducted by a committee of council respecting the application,

(iii) every person who filed an objection to the application, and

(iv) any other person as the Board considers advisable,

and give such other notice of the hearing and in such other manner as the Board considers advisable; and

(b) within 120 days after receiving the appeal, conduct a hearing respecting the appeal.

Additional notice: airport vicinity protection area
282.1(6) If an appeal concerns real property within the airport vicinity protection area,

(a) The Municipal Board must give notice of the hearing to each of the parties described in clause 270(1)(b); and

(b) a notice of objection filed under clause 270(1)(b) or section 272 by a party who receives such a notice is of no force and effect.

Decision of Municipal Board
282.1(7) The Municipal Board must, by order, either dismiss the appeal or make any decision that council, the committee of council, the planning commission or the employee designated to deal with the matter could have made.

Conditions
282.1(8) An order may be made subject to any terms or conditions The Municipal Board considers advisable, including any condition that council, the committee of council, the planning commission or the employee designated to deal with the matter could have imposed.

Notice of decision
282.1(9) The Municipal Board must make its order within 60 days after the hearing is concluded and must send a copy of the order to council, the appellant and any other party to the appeal.

Decision not subject to appeal
282.1(10) A decision of The Municipal Board on an appeal is final and not subject to further appeal.

Effect of decision: plans of subdivision
282.1(11) Council continues to have jurisdiction under subsection 266(1) in respect of a plan of subdivision that is subject to an order made under this section.

Effect of decision: development agreements
282.1(12) The city must not require the owner of property that is affected by an order made under this section to enter into a development agreement unless The Municipal Board requires a development agreement as a condition under subsection (8).

Appeals concerning failing to proceed
282.2(1) For the following matters that are not decided within the period that is specified, an applicant may consider their application to have been rejected and may appeal the rejection to The Municipal Board under section 282.1:

(a) an application for an amendment to a secondary plan or a zoning by-law within 150 days after the completed application is received by the city;

(b) an application for the approval of a plan of subdivision, within

(i) 60 days after the completed application is received by the city, if council has authorized a designated employee to make a final decision respecting the plan of subdivision, or

(ii) 150 days, in any other case;

(c) an application for the approval of a conditional use within 90 days after the completed application is received by the city;

(d) an application for the approval of an amendment to a development agreement within 90 days after the completed application is received by the city;

(e) an application for consent to registration or filing of a conveyance within 90 days after the completed application is received by the city;

(f) for a development agreement executed under subsection 240(4) or ordered by The Municipal Board under section 282.1 within 90 days after the applicable zoning by-law, plan of subdivision, conditional use or variance being approved by the city or ordered by The Municipal Board;

(g) for a development agreement required under section 240.1.1 within the longer of 90 days after the issuance of the permit or the expiry of the time period that applies under section 246.

No decision from combined hearing
282.2(2) The applicant may consider their application to have been rejected and may make an appeal under this section if

(a) a combined hearing is held under section 278 in respect of a proposed development; and

(b) the longest applicable time period in subsection (1) expires without a decision.

Filing an appeal
282.2(3) An appeal may be commenced at any time within 30 days after the expiry of the applicable time period set out in clauses (1)(a) to (g), and section 282.1, except subsection 282.1(3), applies to an appeal.

Costs on appeal re failing to proceed
282.2(4) If, in respect of an appeal under this section, The Municipal Board is satisfied that there was an unreasonable delay by the city in dealing with the appellant's application, the Board may make an order requiring the city to pay some or all of

(a) the costs incurred by the Board in hearing the appeal; and

(b) the appellant's reasonable costs related to the appeal.

Board retains discretion as to costs
282.2(5) For certainty, nothing in subsection (4) limits the discretion of The Municipal Board under section 58 of *The Municipal Board Act*.

PART 3
TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS

Transitional — prior applications under Planning Act
78(1) *An application made but not completed under **The Planning Act** before the coming into force of this section is to be dealt with under **The Planning Act** as if this section had not come into force.*

Transitional — regional planning by-laws
78(2) *Subsection (1) does not apply in respect of subsection 10.9(2) (regional planning by-law is effective immediately) of **The Planning Act**, as enacted by section 3 of this Act.*

Transitional — prior applications under Winnipeg Charter
79(1) *An application made but not completed under Part 6 of **The City of Winnipeg Charter** before the coming into force of this section is to be dealt with under that Part as if this section had not come into force.*

Transitional — regional planning by-laws
79(2) *Subsection (1) does not apply in respect of subsection 10.9(2) (regional planning by-law is effective immediately) of **The Planning Act**, as enacted by section 3 of this Act.*

C.C.S.M. c. A132 amended
80 *The definition "local authority" in section 1 of **The Archives and Recordkeeping Act** is amended in clause (d) by adding* "planning region or" *before* "planning district".

C.C.S.M. c. C44 amended
81(1) ***The CentrePort Canada Act** is amended by this section.*

81(2) *Clause 8(a) is amended by striking out* "referred to in *The Capital Region Partnership Act*" *and substituting* "a regional member municipality of the Capital Planning Region, as established under section 8 of *The Planning Act*".

81(3) *The following is added after subsection 21(1):*

Regional plan
21(1.1) The comprehensive plan developed under subsection (1) must be generally consistent with the regional planning by-law of the Capital Planning Region.

C.C.S.M. c. E125 amended
82 *Clause 40.3(1)(b) of **The Environment Act** is amended, in the part before subclause (i), by striking out* "a municipality named in clauses 3(1)(a) to (o) of *The Capital Region Partnership Act*" *and substituting* "the City of Selkirk, the Town of Stonewall or the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché or West St. Paul".

C.C.S.M. c. F175 amended
83 *The definition "local government body" in subsection 1(1) of **The Freedom of Information and Protection of Privacy Act** is amended in clause (e) by adding* "planning region or" *before* "planning district".

C.C.S.M. c. H175 amended
84 *The definition "local authority" in section 1 of **The Human Rights Code** is amended in clause (d) by adding* "planning region or" *before* "planning district".

C.C.S.M. c. M225 amended
85 *The definition "local authority" in subsection 1(1) of **The Municipal Act** is amended in clause (a) by adding* "planning region or" *before* "planning district".

C.C.S.M. c. N100 amended
86 *The definition "local authority" in section 1 of **The Northern Affairs Act** is amended in clause (a) by adding* "planning region or" *before* "planning district".

C.C.S.M. c. R38 amended
87 *Subsection 10(4) of **The Regional Waste Management Authorities Act** is amended by striking out* "the council of a municipality or planning district board in which the land is situated regarding any and all matters as to which the council or planning district board" *and substituting* "the council of a municipality, planning district board or board of a planning region in which the land is situated regarding any and all matters as to which the council or board".

C.C.S.M. c. S207 amended
88 *The definition "local authority" in subsection 8(3) of **The Statutes and Regulations Act** is amended in clause (a) by adding* "planning region or" *before* "planning district".

PART 4
REVIEW, REPEAL AND COMING INTO FORCE

Review
89(1) *Within three years after the coming into force of this section, the minister must undertake a comprehensive review of the amendments made by this Act that includes public representations.*

Tabling report in Assembly
89(2) *Within one year after the review is undertaken or within any longer period that the Legislative Assembly allows, the minister must table a report on the review in the Assembly.*

Repeal
90 ***The Capital Region Partnership Act**, S.M. 2005, c. 32, is repealed.*

Coming into force
91 *This Act comes into force on a day to be fixed by proclamation.*

Explanatory Note

This Bill amends *The Planning Act* and *The City of Winnipeg Charter* to provide for planning regions and to make local land use decisions subject to appeal to the Municipal Board.

Planning regions
The Capital Planning Region is established for the Winnipeg metropolitan area. Other planning regions may be established by regulation.

A planning region must establish a regional planning by-law, which is to guide land use planning on a regional basis. Development plans, secondary plans and zoning by-laws of planning districts and municipalities within a region must be generally consistent with the regional planning by-law.

The composition of the board of a planning region is established by regulation. A board must include at least one representative of each municipality within the region.

Local land use decisions
The Municipal Board is given jurisdiction to hear appeals of land use decisions made by a planning district, municipality or planning commission.

An applicant can also appeal to the Municipal Board if a planning district or municipality fails to deal with their application in a timely manner.

Planning districts and municipalities may require a development agreement for certain development permits. The City of Winnipeg may require a development agreement as a condition of approving a conditional use or variance.

Consequential amendments are made to nine other Acts and *The Capital Region Partnership Act* is repealed.