



# *The Delegation of Planning Responsibilities In Canada*

*by Terry Ann Romanelli  
and Claude Marchand*



**ICURR** Intergovernmental Committee on Urban  
and Regional Research  
Comité intergouvernemental de recherches  
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RESPONSIBILITIES IN CANADA**

by  
**ICURR** Intergovernmental Committee on Urban  
and Regional Research  
**Terry Ann Romanelli and Claude Marchand**

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August 1991

On behalf of the Intergovernmental Committee on Urban and Regional Research, I am pleased to present this report on The Delegation of Planning Responsibilities in Canada.

The intent of the report is to document the current state of affairs with regard to the distribution of responsibilities in planning matters between provincial and local jurisdictions. It is made up of two main components, one being an overview of the legislative framework regulating the conduct of the planning process in the different provinces, the other of the results and analysis of an extensive survey of 177 local planning officials across the country. The objective of the survey was to assess the views of local officials with regard to the adequacy of the current planning process and to define the areas where changes were seen as necessary.

This project is largely the result of the work carried out by Terri Ann Romanelli, who was research assistant at ICURR until August 1990. A graduate of the University of Western Ontario with a Master Degree in Sociology, specializing in Demography, she was responsible for all major components of the study. ICURR wants to acknowledge her commitment and hard work to carrying out a successful project. Throughout the process, she received support and guidance from Dr. Claude Françoise Marchand, research coordinator at ICURR. Dr. Marchand holds a doctorate in Geography from the University of Toronto.

Gilbert Héroux  
Executive Director  
Intergovernmental Committee  
on Urban and Regional Research



# TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES	iv
LIST OF APPENDICES	v
Preface	vi
Chapter 1 INTRODUCTION	1
1.1 The delegation of planning responsibilities in Canada	1
1.2 Provincial/territorial summaries of planning processes	3
1.2.1 Newfoundland	3
1.2.2 Prince Edward Island	7
1.2.3 Nova Scotia	10
1.2.4 New Brunswick	14
1.2.5 Québec	17
1.2.6 Ontario	20
1.2.7 Manitoba	25
1.2.8 Saskatchewan	30
1.2.9 Alberta	34
1.2.10 British Columbia	38
1.2.11 Northwest Territories	43
1.2.12 Yukon Territory	45
Chapter 2 METHODOLOGY	
2.1 Questionnaire method and design	55
2.1.1 Questionnaire Objectives	55
2.1.2 Method	56
2.1.3 Questionnaire Content	57
2.2 Sample Selection and Composition	60
2.2.1 Description of Sampling Method	60
2.2.2 Response rates and Final Sample Composition	60



## Chapter 3 RESULTS/DISCUSSION

3.1	Planning Activities	63
3.1.1	Perceived advantages/disadvantages of Community Community Plans	63
3.1.1	Attitudes towards planning legislation and consultation	64
3.2	Current Planning Resources	66
3.2.1	Planning staff in municipalities	66
3.2.2	Additional planning resources and training required by municipalities	70
3.3	Delegation of Planning Responsibilities	72
3.3.1	Attitudes regarding the desirability of increa- sed delegation of planning responsibilities	72
3.3.2	Perceptions regarding the priority of delega- tion of planning responsibilities as an issue	74
3.3.3	Attitudes towards current delegation of planning responsibilities	76
3.3.4	Perceived benefits/costs of increased delega- tion of planning responsibilities	81
3.4	Summary/Conclusions	83
Chapter 4 PROVINCE/TERRITORY SPECIFIC ISSUES		85
4.1	Newfoundland	85
4.2	Prince Edward Island	86
4.3	Nova Scotia	87
4.4	New Brunswick	87
4.5	Québec	87
4.6	Ontario	88
4.7	Manitoba	90
4.8	Saskatchewan	91
4.9	Alberta	92
4.10	British Columbia	93
4.11	Northwest Territories	94
4.12	Yukon Territory	94
APPENDICES		95
REFERENCES		113

LIST OF TABLES

<u>Table</u>	<u>Description</u>	<u>Page</u>
Table 1	A Synopsis of Planning Legislation in Canada ..	48
Table 2	Description of Variables .....	58
Table 3	Sample Description .....	59
Table 4	Sample by Municipality Size .....	61
Table 5	Sample by Province and associated weight factor	62
Table 6	Attitudes towards planning legislation and the consultation of governments regarding planning matters .....	65
Table 7	Planning staff by province .....	67
Table 8	Planning staff by population of municipality ..	68
Table 9	Present planning resource needs of Canadian municipalities .....	70
Table 10	Desire for increased delegation of planning responsibilities by province .....	73
Table 11	Attitudes towards the priority of delegation of planning responsibilities .....	74
Table 12	Provincial/territorial attitudes towards the priority of the delegation of planning responsibilities as an issue .....	75
Table 13	Attitudes regarding the adequacy of current authority in the area of planning by province .	77
Table 14	Attitudes regarding the adequacy of current authority in the area of planning by municipality community size .....	78
Table 15	Attitudes regarding mauthor1, mauthor2 and control .....	79
Table 16	Attitudes regarding Mauthor1, Mauthor2 and control by province .....	80

LIST OF APPENDICES

<u>Appendix</u>	<u>Description</u>	<u>Page</u>
Appendix I	Sample Questionnaire: Questionnaire for Ontario .....	95
Appendix II	Benefits and Disadvantages of Community Plan .....	108
Appendix III	Correlation Matrix of variables concerned with the delegation of planning responsibilities .....	109
Appendix IV	Analysis of Variance of Attitudes towards Authadeq .....	110
Appendix V	Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers? - by province .....	111
Appendix VI	Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers? - by municipality population size .....	112

## PREFACE

The extent to which each municipality and province or territory participates in and has control of planning activities varies significantly across Canada. An examination of main provincial or territorial planning institutions and key planning instruments used in these respective provinces or territories (such as community plans, subdivision control and zoning regulations) gave some indication of the extent to which planning is decentralized across Canada. It provided the background for a survey of a sample of local and regional municipalities throughout Canada concerning the present planning process in their province/territory and the anticipated costs and benefits of increased planning responsibilities.

The main objective of the study was to assess attitudes in municipalities towards the present allocation of planning responsibilities and the potential for increased responsibilities. This included examining the extent to which various size municipalities have engaged in planning to date and their attitudes towards these planning activities, the determination of present planning resource needs and the assessment of desirability and the perception of delegation of planning responsibilities. Planning issues specific to individual provinces or territories were also examined.

The report is divided into four chapters. The first chapter is a description of main provincial/territorial planning institutions and their major legal planning instruments, including community plans, subdivision control and zoning regulations. This review provided the basis for the mail questionnaire.

The second chapter presents the methodology used to investigate municipal attitudes towards the allocation of planning responsibilities. This includes a description of the main and related objectives of the study, questionnaire design development and content, sampling method used, response rate and final composition of the sample.

The third chapter presents the major findings of the study, including current planning activities and resources, needs for additional resources and training, and desirability and perception of the issue of increased delegation of planning responsibilities.

Findings resulting from specific questions or issues put to a particular province are presented in the fourth chapter. The content of these questions was determined both by the current planning authority of municipalities in a particular province/territory and by input from directors of research responsible for planning in each province or territory.

Results are based on responses obtained from a questionnaire mailed to 241 municipalities. The sample was randomly selected according to five different community sizes using 1986 census population figures: +500,000, 100,000 to 499,999, 50,000 to 99,999, 10,000 to 49,999 and 1,000 to 9,999. This was done to allow for a statistical comparison amongst provinces, territories and different municipality sizes. The overall response rate of 73.4 percent is comparable to what the literature suggests is desirable.

Results suggest that the majority of municipalities across Canada feel an increased delegation of planning responsibilities to municipalities is desirable. Furthermore, this desire for increased planning authority is found to exist in various sized municipalities. Municipalities in Ontario and Québec stand out as the two provinces most interested in the issue of the reallocation of planning responsibilities. Generally, municipalities in these two provinces feel that their municipalities need more control in the planning process.

The analyses of the survey results showed that, although the majority of municipalities may want increased planning authority, the majority also agree that current municipal authority is adequate. This suggested that the majority of municipalities surveyed were satisfied with the amount of control their municipalities currently have regarding planning activities. However, Ontario and Newfoundland were two provinces where the majority of municipalities did not feel that the current level of control was adequate.

Even if, overall, the provinces/territories feel that the increased delegation of planning responsibilities is desirable, the variation in the amount of planning resources available in each of the provinces or territories also means that the issue of the capacity to handle any increased responsibilities has to be addressed. In particular, only a small proportion of municipalities in the Atlantic and Prairie provinces employ their own full time planning staff. This implies that they rely heavily on provincial planning staff or consultants. In addition, the most frequently mentioned planning resource need is staff. Consequently, it is apparent that a transfer of planning responsibilities to municipalities cannot be considered without taking into account the planning resource needs.

## CHAPTER 1– INTRODUCTION

### 1.1 THE DELEGATION OF PLANNING RESPONSIBILITIES IN CANADA

In each province and territory, different mechanisms and methods are used to achieve the common goal of organized land development. The extent to which each municipality and province or territory participates in and has control of planning activities also varies significantly across Canada. The following is a review of certain aspects of the planning process and key planning instruments used in each of the provinces and territories. An examination of principal provincial or territorial planning institutions with authority in planning matters and their legal planning instruments (including community plans, subdivision control and zoning regulations) provides some indication of the extent to which planning is decentralized in Canada.

In the area of community plans, local municipalities in all provinces and territories have the authority to prepare and adopt the draft community plan. Exceptions exist in the case of Northern Ontario and in Prince Edward Island where planning boards are established to prepare these plans.

In the provinces of Québec, Alberta and British Columbia, community plans do not need to be approved by the Minister or any other provincially appointed body. However, in British Columbia, ministerial approval is required for regional district official community plans. In all other provinces and territories, approval by a provincial or territorial authority is required. Ontario falls between these two groups as the Minister may delegate the approval authority for community plans (official plans) to qualified upper-tier municipalities. In the provinces of Newfoundland, Nova Scotia, Québec and Ontario, where legislation permits two tier planning, the plans of local municipalities must conform to regional plans.

Community plans are statements of policy and recommendations. To have any effect, these plans must be implemented by subdivision and zoning regulations. An investigation into these two areas revealed that, once again, there is a large degree of variance in the amount of planning authority that a municipality has in a given province or territory.

In Québec, British Columbia, Newfoundland and New Brunswick, subdivision plans normally do not require the approval of the Minister responsible for planning matters. Municipalities or approving officers in these provinces approve these plans. In Ontario, Manitoba, Saskatchewan, Alberta and the Yukon Territory, the Minister may delegate the approval authority for subdivision plans to municipal councils or district boards. However, municipalities without this authority must rely on the Minister for subdivision plan approval. Also, in Alberta the regional planning commission may be the subdivision approval authority. Finally, in the provinces of Prince Edward Island, and Nova Scotia, the local council must submit the plan to the province for approval.

Zoning regulations are one of the key tools for implementing community plans. In British Columbia, Ontario, Québec, Manitoba and Alberta, the approval of the Minister is not required in the case of zoning regulations. However, ministerial approval is required for regional district community plans in British Columbia unless there is an official community plan in effect. In Prince Edward Island, Newfoundland, New Brunswick and Nova Scotia, zoning by-laws must be submitted to the Minister for approval. Planning legislation in Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan and Alberta empowers the Minister to establish a provincial appeal board.

In the following sections, the main provincial or territorial planning institutions with authority in planning matters and the legal planning instruments used in these respective provinces or territories are examined. They include community plans, subdivision control and zoning regulations.

## 1.2 PROVINCE/TERRITORY SUMMARIES OF PLANNING PROCESSES

### 1.2.1 Newfoundland

#### Provincial Policy on the Devolution of Planning Authority

In Newfoundland and Labrador, there are 308 municipal units incorporated under the provisions of the Municipalities Act. All of these have building control powers but none has development powers merely by virtue of incorporation. The Province's planning system is not mandatory and participation within it and the obtaining of powers to plan and control development are only available when requested and specifically given by the Lieutenant-Governor in Council.

Of the 308 municipalities, 103 have approved municipal plans while a further 54 have interim development control pending their preparation of municipal plans. Less than one percent of municipalities have qualified planning professionals on staff; the remainder seek outside assistance primarily from Provincial resources or from consultants hired largely at Provincial expense.

Municipal populations range from a high of some 96,000 persons in the City of St. John's to incorporations with 30 or so residents. The largest number of municipalities fall below the 2000 level of population. The large number of small municipalities means that the majority are relatively under funded and cannot avail of an adequate range of expertise and, therefore, must rely upon outside sources for day to day advice and/or assistance. However, the municipal council remains the body having jurisdiction to plan while the authority to approve the content of that plan is the Minister of Municipal and Provincial Affairs.

That is not to say that all authority rests with the Minister. Building control remains the prerogative of the municipality, and provision has been made for the delegation to municipalities of certain provincial regulatory controls of a planning nature. Provincial areas of control along protected roads have been reduced or eliminated through municipalities and/or municipal planning areas, whilst provincial mobile home development regulations are delegated to municipalities seeking their implementation. Similarly, provincial subdivision control can be delegated to a municipality if it has sufficient resources and plans in place. What is more, the appeal process, where municipal plans are in effect, has been handed over to local boards of appeal which can be appointed and operated directly by municipalities.



## Ministry of Municipal and Provincial Affairs

The Ministry of Municipal and Provincial Affairs, as well as a separate planning board, are responsible for administering provincial supervision under The Urban and Rural Planning Act. The Minister may define a municipal planning area, regional planning area, local planning area, and a joint planning area, and may order the preparation of plans for these jurisdictions. Planning in Newfoundland is not mandatory and powers can only be obtained with the approval of the Lieutenant-Governor in Council, and plans prepared with the approval of the Minister. Indeed, the Minister is the final approval authority for municipal plans, joint municipal plans, local area plans, development schemes, development regulations, and regional plans. However, in the case of regional plans, the Minister may only approve them with the concurrence of the Lieutenant-Governor in Council.

## Municipality

Municipalities and communities are incorporated under the provisions of the Municipalities Act, while cities are incorporated under their own separate legislation. St. John's Urban Region is the only area defined as a planning region by the Minister and therefore the only urban agglomeration with a regional plan.

## Planning Board

The Provincial Planning Board, appointed by the Lieutenant-Governor in Council and composed of representatives of Government Departments and such other persons as s/he may appoint, exists mainly to advise the Minister of Municipal and Provincial Affairs in the area of urban and rural planning. With ministerial approval, the Board may conduct studies and make recommendations on regional planning and other matters relating to development within the Province. It may advise local authorities, collect information, undertake research, and disseminate material to assist public authorities and encourage the planning of orderly and efficient development within the Province. It may also, with the approval of the Minister, hold enquiries or Hearings into and report on any matter before it. Currently, there is no Provincial Planning Board appointed.

In Newfoundland, Joint Planning Authorities, established for areas that consist of more than one municipality, replace the Planning Advisory Committees found in other provinces. Joint Planning Authorities have jurisdiction where Joint Planning Areas have been established. Newfoundland remains the only province where there are no Local Advisory Committees.

## Appeal Boards

In Newfoundland, the Minister of Municipal and Provincial Affairs may order that appeal boards be established and, where there is more than one board, the Minister shall determine the areas of their jurisdiction. An appeal board shall hear appeals made by any person aggrieved at a development decision made under the provisions of the Urban and Rural Planning Act. It may also hear appeals where it is designated to do so under the provisions of other legislation. Currently, appeal boards constituted under the provisions of The Urban and Rural Planning Act are designated to hear certain appeals under the provisions of The Municipalities Act.

The Urban and Rural Planning Act provides for the preparation of Development Regulations to implement Municipal Plans and allows for the establishment of local boards of appeal to hear appeals arising from decisions made under the provisions of these regulations.

Therefore, local boards of appeal hear appeals in areas where there are municipal plans, while regional appeal boards hear appeals in areas where no municipal plans exist or where Provincial Regulations are in effect. There are presently four regional appeal boards appointed by the Province. There are also a number of local boards of appeal which operate in municipalities which have approved Municipal Plans and Development Regulations.

## PLANNING INSTRUMENTS

### The Community Plan (The Municipal Plan)

While The Urban and Rural Act provides for regional planning in Newfoundland, a Regional Plan is a Government generated document. The municipal plan is the main vehicle for local planning and is to be prepared by the local council. Any council may propose or arrange for the preparation of the municipal plan and the Provincial Planning Board, if one exists, may assist it. The Minister must define the area for which the Plan will be prepared (the Municipal Planning Area) and must approve of the arrangements for its preparation. The Urban and Rural Planning Act empowers the council to adopt the municipal plan subject to its prior submission to the Director of Urban and Rural Planning for review to ensure that it conforms to the Act. After adoption of the municipal plan, council must publish a Notice of Intention to seek Ministerial approval. However, prior to ministerial consideration, a public hearing must be held by a Ministry-appointed Commissioner, but if no representations are received prior to the hearing, this may be cancelled. After the hearing, council must apply to the Minister for approval of the Plan, and the Minister, in considering the forms of approval, takes into account any

representations made and the report of the Commissioner into those representations. The Plan comes into effect upon the publication of a notice to that effect.

Council is required to implement its municipal plan and for this purpose may prepare a development scheme but shall prepare development regulations which may include land use zoning and subdivision regulations. These must be approved by the Minister to ensure conformity with the approved Plan.

Upon the application of one or more councils, the Minister may declare any area to be a joint planning area for the preparation of a joint municipal plan. Then the Lieutenant-Governor in Council may constitute a joint planning authority to administer the joint planning area consisting of representatives of the province and municipalities concerned. The Joint Planning Authority shall prepare a joint municipal plan after which each council represented on the Authority shall proceed to adopt that portion of the joint municipal plan which applies to its municipal jurisdiction, as if it was a municipal plan. Approval then proceeds as if the document was a municipal plan.

Any area which falls outside a municipal planning area or joint planning area, may be designated by the Minister as a local planning area, and s/he may then arrange for the preparation of a plan for this area to be known as a local area plan. This form of plan is prepared for areas where there is no municipal government and, therefore, after the Minister's approval of the plan, s/he must also designate an authority to implement it.

The Minister may define the boundaries of an area to be a regional planning area and may order a regional plan to be prepared. Subsequently, with the approval of the Lieutenant-Governor in Council, the Minister may approve or disapprove the regional plan. In the St. John's Urban Region, which is the only area defined as a planning region in Newfoundland, the regional plan is implemented by the constituent municipalities which must prepare their municipal plan in full conformity with the regional plan.

A municipal plan, a joint municipal plan, a local area plan, and a regional plan must all be reviewed every five years, but may be amended at any time subject to following the same procedure by which each plan came into effect. Consequently, Ministerial approval is required.

## Subdivision Control

Subdivision regulations are one of the instruments by which a municipal plan is implemented. Ministerial approval is required only within the St. John's Urban Region. Elsewhere in the Province, subdivision control is exercised by municipal authorities. The regulation must be in conformity with the plan to which it relates.

Provincial subdivision control exists only in the St. John's Urban Region where the Province exercises control to ensure adequate access, provision of services, inclusion of storm drainage, and conformity to approved Plans. All other aspects of subdivision control are still handled by each municipality.

## Zoning

As is the case with subdivision regulations, Ministerial approval is required for a land use zoning regulation. When a municipal plan comes into effect, council must prepare and adopt a scheme for the control of the use of land in conformity with the municipal plan, and this scheme must include land use zoning regulations, subdivision regulations, and such other regulations as may be deemed necessary. These regulations known collectively as the development regulations, must be approved by the Minister. Subsequently, any amendments must also be approved by the Minister.

### 1.2.2 Prince Edward Island

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## Provincial Policy on the Devolution of Planning Authority

In general terms, the provincial policy is to delegate planning authority to all municipalities (or in other words, any municipality which desires to exercise this authority). The Province retains the right to exercise the ultimate authority over streets and roads, as enabled by the Roads Act and the Highway Traffic Act; further, the Province maintains senior jurisdiction over environmental matters under the Environmental Protection Act, and over major retail development (shopping centres) under the Planning Act.

Local planning authority is assumed by a municipality through the preparation (and approval by the P.E.I. Land Use Commission) of an official plan, and the subsequent preparation (and approval by the Minister) of planning bylaws such as zoning and subdivision controls.

The Province's statutes do not force a municipality to assume any planning authority, nor do they set any deadlines or sunset clauses. Planning is more or less a voluntary activity.

### Ministry of Community and Cultural Affairs

The Minister of Community and Cultural Affairs is responsible for administering the Prince Edward Island Planning Act. Under the Act a provincial planning agency, the P.E.I. Land Use Commission, has been established to provide both provincial advisory and supervisory functions. Members of the Commission are appointed by the Lieutenant-Governor in Council. The Commission is the provincial agency that has the approval authority for official plans. Ministerial approval is required in the case of by-laws. In addition, the P.E.I. Land Use Commission may be called on to perform other functions under other statutes or as required by Cabinet.

The Lieutenant-Governor in Council is empowered to establish provincial planning regulations for any area, with the exception of those with official plans and by-laws and the Town of Summerside and the City of Charlottetown.

### Municipality

In Prince Edward Island both the City of Charlottetown and the Town of Summerside are given different considerations as municipalities. These areas are covered respectively by the Charlottetown Act and the Summerside Act, and are not subject to the Municipalities Act.

According to the Municipalities Act, a municipality in the province refers to "either an area incorporated as a town or community under this Act, including the areas specified [in the present Act]..., or the corporation into which the residents of the area have been incorporated as a municipality".

### Planning Board

Municipal councils in Prince Edward Island are required to appoint planning boards to prepare an official plan. The chair of the board must be a member of council. The chief responsibility of the Board is to prepare the official plan for adoption by council. In addition, planning boards consisting of at least three individuals are to hold public meetings and recommend by-laws related to the official plan. Two or more councils may establish a joint planning board.

### Appeal Board (Prince Edward Island Land Use Commission)

The Prince Edward Island Land Use Commission is the provincial appeal body in P.E.I. An individual, within 21 days of a decision, may appeal the decision of a council or the Minister made in respect of the administration of bylaws and regulations. As the decision of the Commission is seen to be final there is no appeal from a decision of the Commission.

### PLANNING INSTRUMENTS

#### The Community Plan (The Official Plan)

The planning strategy of a municipality in P.E.I. is the official plan. The planning board is to hold hearings during the preparation of the official plan. The board then recommends the plan for adoption to council once it is approved by the majority of the board. After the adoption of the plan the plan is sent to the P.E.I. Land Use Commission along with a copy of the public hearing. The plan becomes official when it is approved by the Commission. The council is responsible for preparing by-laws in order to implement the approved plan. A council of a municipality may appoint a development officer to administer the by-laws.

If two or more councils establish a joint planning board then an official plan may be prepared for the area covered by a single municipality or for an area covered by two or more municipalities.

Prince Edward Island is the only province where legislation does not make provisions for regional or district plans.

#### Subdivision Control

In P.E.I., councils may adopt subdivision by-laws relating to the subdivision and development of land. These by-laws serve as declarations of the goals, policies and principles in the area of subdivision and land development. In any municipality which does not have an official plan and bylaws, applications for the approval of a plan of subdivision must be made to the Minister of Community and Cultural Affairs. Any appeals with respect to subdivision matters must be made to the P.E.I. Land Use Commission. All subdivision by-laws must conform to the official plan.

## Zoning

Prince Edward Island municipal zoning by-laws are to be based on an official plan. The Province may not make zoning regulations in reference to the City of Charlottetown or the Town of Summerside. Councils may pass zoning by-laws to implement official plans. However, ministerial approval of zoning by-laws is still necessary. As is the case for subdivision by-laws, all zoning by-laws must conform to the official plan. The Lieutenant-Governor in Council may make zoning regulations in any area which is not covered by a municipal official plan.

### 1.2.3 Nova Scotia

#### Provincial Policy on the Devolution of Planning Authority

A stated purpose of the Nova Scotia Planning Act is to, "enable municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban or rural character through the adoption of municipal planning strategies, land use bylaws and subdivision bylaws consistent with the policies and regulations of the Province". This, combined with the fact that the entire Province is organized under municipal government, provides the basis for fairly decentralized planning responsibilities in Nova Scotia.

Current trends in Nova Scotia are to maintain and strengthen the ability of municipalities to assume the primary authority for local land use planning. In 1989 the Union of Nova Scotia Municipalities adopted three objectives, subsequently endorsed by the Province, including the following:

Property services should be supported by property taxes and delivered by municipal government. People services are the responsibility of the provincial government and should be financed by general provincial revenues. Both orders of government should continue efforts to reallocate the delivery and financing of services recognizing this basic principle.

Local land use planning, development control and the land subdivision process are considered property services. In recognition of this principle, consideration is being given to adjusting the delivery and financing of municipal planning services currently provided to local government by the Province, and to reviewing existing requirements for provincial approval of municipal planning documents.

## Ministry of Municipal Affairs

The Planning Act provides for the Governor in Council of the Province to adopt provincial land use policies which are necessary to protect the interests of the Province in the use and development of the land resources of the Province. The Act authorizes the Governor in Council to establish inter-governmental committees comprised of representatives of Departments to assist the Governor in Council in the preparation of provincial land use policies and regulations. The Governor in Council is further enabled to adopt regulations for the implementation of the policies and provide for provincial development permits where there is no municipal land use by-law in effect. These regulations are not required to be uniform and different regulations can be prescribed for different municipalities or a portion of a municipality. Where there is no municipal planning strategy for the area these regulations are to be administered by a provincial development officer.

## Municipal Planning

The Nova Scotia Planning Act defines a municipality to be a city, incorporated town, or rural municipality. A rural municipality is defined as a municipality of a county or district. All the geographical area of the Province of Nova Scotia is organized under a municipal government and there is no overlapping of geographical jurisdictions between municipal governments. Each municipal council is enabled to prepare and adopt a municipal planning strategy and land use by-law; and two or more municipalities may co-operate to prepare and adopt an inter-municipal planning strategy.



## Planning Board

In Nova Scotia, planning advisory committees or joint planning advisory committees established by one or more municipalities advise on matters relating to planning. In addition, district planning commissions may be established by the Minister of Municipal Affairs at the request of the councils of two or more municipalities. These commissions are regional organizations which assist participating councils in the preparation and implementation of their planning strategies, land use by-laws, subdivision by-laws and other planning matters. The Act provides that, except in certain circumstances, meetings of these committees or commissions are open to the public.



## Nova Scotia Municipal Board

The Nova Scotia Municipal Board is the provincial appeal board for most planning matters in the province. Appeals may be made by interested parties and councils. The Planning Act provides for appeals from certain council decisions to amend or refuse to amend land use by-laws, the entering into of development agreements and the refusal by provincial or municipal development officers to issue provincial or municipal development permits. The jurisdiction of the board also extends to refusals of a development officer to approve a plan of subdivision. Where the appeal is from a decision of council respecting the amendment of the land use by-law, the jurisdiction of the board to overturn the decision of the council must be based on a determination that the decision of council is not reasonably consistent with the intent of the municipal planning strategy. In the other cases where an appeal is provided, the jurisdiction of the board is limited to the interpretation of the relevant sections in the Planning Act or regulation.

## PLANNING INSTRUMENTS

### The Community Plan (The Municipal Planning Strategy)

In the province of Nova Scotia, the community plan is called the municipal planning strategy. The council of a municipality is responsible for preparing the strategy but must first adopt a program to solicit the opinion and concerns of the public. After the municipal planning strategy is formulated the council must decide whether it intends to adopt it and must as part of the process of adoption advertise its intention in a local newspaper and hold a public hearing. Council must consider submissions made at the public hearing and any written submissions made prior to the public hearing before it adopts the municipal planning strategy. A municipal planning strategy must be adopted by a majority vote of the whole council and only those councillors at the public hearing can vote. The Planning Act also provides for secondary planning strategies which apply only to specific areas within the municipality where the municipal planning strategy did not adequately address the issues of the area. The same adoption procedure is required for the preparation and adoption of an inter-municipal planning strategy or a secondary strategy.

A council must undertake studies or provide such information to the Minister of Municipal Affairs as is necessary to support statements of policy in its municipal planning strategy. In addition, the council must prepare and adopt a land use by-law to implement any land use policies in the strategy prior to the submission of a municipal planning strategy and land use by-law for the approval of the Minister of Municipal Affairs. Both documents are submitted concurrently for the approval of the Minister of Municipal Affairs. Upon receipt of these documents the Minister has sixty days to

approve them. The powers of the Minister of Municipal Affairs to refuse to approve a planning strategy or land use by-law are limited and set out in the Planning Act. After the Minister has approved the documents, notice of approval and the effective date of the documents must be advertised by the council in a local newspaper.

### Zoning (land use by-law)

Implementation of land use policies in a municipal, inter-municipal or secondary planning strategy is done by the enacting of a land use by-law (zoning by-law) by the council. The procedure for the adoption of a land use by-law is the same as for the adoption of a municipal planning strategy and is usually done concurrently. Amendments to the land use by-law which are not implementing policies of the municipal planning strategy and development agreements are subject to a somewhat less onerous adoption procedure and are not subject to the approval of the Minister of Municipal Affairs but can be appealed to the Municipal Board. For example, an amendment to the zoning map of a land use by-law in accordance with the policies of the municipal planning strategy which would not require a prior or concurrent amendment to the municipal planning strategy, is not classified as a land use by-law amendment necessary to implement a planning strategy. In these cases the council must determine whether the criteria set out in the municipal planning strategy have been met and, if so, proceed to change the zoning designation for one or more properties on the zoning map or approve a development agreement. The Act lists what matters can be dealt with in a land use by-law; a development agreement can contain the same matters as a land use by-law, vary subdivision rules, and include other matters such as a site plan.

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The Act provides that a land use by-law can only be adopted to implement a municipal planning strategy and that a development permit cannot be refused merely because the development would conflict with the intent of the municipal planning strategy. The Planning Act also provides for the granting of minor variances for the provisions of a land use by-law by a municipal development officer.

### Subdivision Control

The Minister of Municipal Affairs is required to prescribe provincial subdivision regulations for each municipality. Different regulations can be prescribed for different municipalities or different areas of municipalities. Where there is no municipal subdivision by-law in effect, the provincial subdivision regulations are administered by provincial development officers.

A municipality is enabled to adopt subdivision by-laws which are not inconsistent with applicable provincial subdivision regulations. The Minister of Municipal Affairs must give notice to the affected municipalities and public notice of intention to prescribe provincial subdivision regulations. The Act provides for written submissions to the Minister prior to the prescription of provincial subdivision regulations. A municipality must advertise its intent to adopt a subdivision by-law, hold a public hearing and consider any objections before adopting a subdivision by-law by majority vote of the whole council with only those present at the public hearing being able to vote. The by-law is not effective until approved by the Minister of Municipal Affairs.

In addition to the matters that may be included in provincial subdivision regulations, a subdivision by-law may include regulations respecting the dedication of park land and the provision of services such as streets, sewer and water or the posting of a bond in lieu of construction of these services prior to the endorsement of the approval of the final plan of subdivision. The Act provides for the approval of plans of subdivision by municipal development officers in accordance with the Act and the by-law.

#### 1.2.4 New Brunswick

##### Provincial Policy on the Devolution of Planning Authority and the role of the Ministry of Municipal Affairs

There is little centralized control in the area of municipal planning in New Brunswick. Almost all planning responsibility has been delegated to municipalities. The Minister of Municipal Affairs only ensures that proper procedures have been followed with respect to development and adoption of various planning instruments. Ministerial approval of by-laws is required, although this approval is routinely granted when there is nothing contrary to planning legislation and the procedures are followed properly. While the Community Planning Act authorizes the Minister to exercise a council's powers when it fails to carry out its duties, this power has not been exercised. One area where the Minister retains approval powers within a municipality is for the construction of shopping malls in excess of 200,000 square feet.

Approximately one-third of the population of New Brunswick lives in unincorporated areas. These areas cover approximately 90% of the land area of the Province, although much of this area is uninhabited. The Minister of Municipal Affairs is directly responsible for planning for these areas. With the almost complete delegation of planning powers to municipalities, the Department of Municipal Affairs concentrates on providing planning in these unincorporated areas.

The Community Planning Act divides the Province into seven planning regions, although these regions have to this point not been used extensively as a base for regional planning. Rather, a number of district planning commissions have been established to develop and administer planning instruments for a number of municipalities and unincorporated areas. It is anticipated that an additional five districts could provide planning coverage for the greatest part of the inhabited area of the Province. These commissions are viewed as vehicles to provide a planning function for municipalities and also unincorporated areas by bringing planning decisions and implementation closer to the people.

### Municipality

The municipality, represented by the municipal council, has the power to enact by-laws relating to the adoption of a municipal plan, basic planning statement or development scheme.

There are 117 incorporated municipalities in New Brunswick. These municipalities contain approximately two-thirds of the population of the Province. The requirements for incorporation are a population of 10,000 for cities and 1,500 for towns. There are no legislated requirements for incorporation as a village.

The unincorporated areas in New Brunswick do not have elected representation at the local level. The Province provides all of the administration and servicing in these areas with the input from local advisory committees. In unincorporated areas, the Province may prepare an area plan, basic planning statement, development scheme or urban renewal scheme. Municipalities have no authority with regards to planning in unincorporated areas.

### Provincial Planning Committee/Planning Advisory Committees/District Planning Commissions

The Provincial Planning Committee approves subdivision plans only in certain circumstances, particularly where there is a problem with respect to access and grants variances. It has similar powers with respect to unincorporated areas as local planning advisory committees have in municipalities.

Planning advisory committees are established in municipalities to advise municipal councils with regards to the approval of subdivisions and the granting of variances to zoning by-laws. A particular PAC serves a specific municipality only.

Some areas of the province are covered by district planning commissions. These commissions are made up of representatives from municipalities and the unincorporated areas. For municipalities within their jurisdictions, they function as a planning advisory committee with the same right and powers. They are empowered to function in the same manner for the unincorporated areas in the district, with the exception of approving subdivision lots on private accesses. This last power rests with the Provincial Planning Committee.

### Planning Appeal Board

In New Brunswick, the provincial appeal body is called the New Brunswick Provincial Planning Appeal Board. This board consists of a chairman who is a member of the NB Bar and 14 other members appointed by the Lieutenant-Governor in Council. Two members come from each of the seven planning regions. The Provincial Planning Appeal Board has the power to deal with two types of appeal: misapplication of planning by-laws and regulations, and hardships. Anyone may appeal to the board.

## PLANNING INSTRUMENTS

### The Community Plan (Municipal Development Plan)

In New Brunswick, the main planning instrument is called the municipal development plan or, more simply, the municipal plan. The plan is to be prepared by the municipal council under the direction of a qualified planner - the planning director or planning consultant. A municipality generally prepares a municipal plan but may opt for the more general basic planning statement. This is a more general statement regarding land use policies for the area and is less time consuming to prepare.

Both planning instruments are adopted by council through the enactment of a by-law which requires the approval of the Minister of Municipal Affairs (although, as stated earlier, the provincial approval ensures that the proper processes have been followed). Prior to the adoption of a municipal plan, municipalities must request public input and hold public hearings into the plan. The local council may, through by-law, adopt an amendment to a municipal development plan by following the same process as for the initial establishment of the plan. Where a regional plan exists, the municipal plan should comply and be consistent with it.

The Department of Municipal Affairs may draft regional plans (consistent with the seven regions as set out in the Act). Provincial Cabinet adopts the plan and any subsequent modifications on the recommendation of the Minister of Municipal Affairs. Presently, no regional plans have been adopted by the Province of New Brunswick.

### Subdivision Control

A municipal council may enact subdivision by-laws which are consistent with a municipal development plan. The by-laws are administered by the development officer(s) of the municipality. (In addition, a tentative plan or plan of subdivision must be approved by the development officer.) Municipalities that are part of a district planning commission utilize the resources of the development officer of the district, otherwise, the council generally appoints a planning officer to act as development officer for the purpose of subdivision plan approval. The development officer may approve proposed subdivisions. If, however, there are questions about access, or if a variance is required, the planning advisory committee reviews and approves or rejects the plan. Plans involving new public streets or lands for public purposes are subject to the final approval by municipal council. An appeal from a refusal by a development officer may be made to the New Brunswick Provincial Planning Appeal Board.

### Zoning

Ministerial approval is necessary for zoning by-laws as well as amendments to these by-laws. When a municipal development plan is adopted in New Brunswick, council must adopt a zoning by-law to implement the plan. Council enacts a zoning by-law upon the adoption of a basic planning statement or municipal plan, whichever the case may be. All by-laws must be filed in the registry office in order to become effective. Local council has authority to amend or repeal a zoning by-law subject to public hearing and ministerial approval.



### 1.2.5 Québec

#### Provincial Policy on the Devolution of Planning Authority

In Québec, no provincial approval is required at any step in the planning process. However, the Minister of Municipal Affairs may require the council of the regional county municipality to amend a regional development plan which s/he considers to be inconsistent with the aims or projects the Government has previously transmitted to the municipality. Once in force, the development plan is binding on Government and governmental departments or agencies. Thus, the installation of public services or infrastructures, work projects and property use must conform to the development plan. The planning programme of a local municipality comes into force once the certificate of conformity with the development plan has been issued by the regional county municipality. Zoning, subdivision and building by-laws must be consistent with the

planning programme and the regional development plan. At the request of any interested party, the **Commission municipale** shall assess the conformity of the by-laws with the planning programmes. This assessment is binding and does not involve the Ministry of Municipal Affairs. The issuance of subdivision or building permits is the exclusive responsibility of the local municipality, in accordance with its by-laws.

### Ministry of Municipal Affairs

Although the government may require the development plan to conform with provincial planning policies and government interests, the Ministry of Municipal Affairs, through the Land Use Planning and Development Act, has limited power to ensure that zoning, subdivision and building by-laws conform to the objectives of regional development plans or local planning programmes. The Québec government establishes regional county municipalities and may establish special planning zones.

### Municipality

In the province of Québec there are two levels of municipalities; regional county municipalities and local municipalities. A regional county municipality, a large area consisting of several local municipalities, concerned with the making and adoption of the development plan. In the areas of plans and by-laws, the regional county municipality can require the local municipality to make amendments or the regional municipality can make the amendments itself to ensure the conformity of the by-laws and the planning programme with the development plan.

In addition to regional county municipalities, urban and regional communities exist as second-tier municipalities in the province of Québec. The two urban communities include those municipalities located on Montréal Island and the metropolitan area of Québec City.

### Planning Board

Legislation in Québec does not require a planning board for the preparation of a plan. Rather, the planning agency is the local council in the case of the planning program and the regional county municipality in the case of the development plan. However, the council of either the regional county municipality or the local municipality may, through by-law, establish a planning advisory committee to advise and recommend. As is the case with planning committees in most provinces, councils are not obliged to follow their recommendations.

## Appeal Board

An individual or council may apply to the Commission municipale du Québec for an assessment of the conformity of a by-law with a given plan and programme.

## PLANNING INSTRUMENTS

### The Community Plan (The Planning Programme)

In Québec, planning is conducted at both local and regional levels. The development plan is concerned with the entire regional county municipality. The regional county municipality must prepare a development plan within three years of being established and must adopt it within seven years. A proposal of the plan being prepared must be submitted to each local municipality, adjacent regional counties and the Minister for consultation purposes. Each local municipality in the regional county municipality must submit an opinion on the final version of the development plan.

The development plan, which includes "general aims of land development policy and general policies for land use" of the regional county municipality, is adopted through a by-law passed by the majority of members of the council of the regional county municipality. A copy of the adopted development plan is sent to the Minister, each local municipality in the regional county municipality and any adjoining regional county municipalities. If the Minister deems that the development plan conforms to provincial policies, interests, projects and infrastructures the plan will come into force in 90 days. However, within 90 days of adoption by the county council, if the Minister feels that the plan is not consistent with provincial concerns, s/he will request, by notice, the county council to amend it. If the amendment is not made by county council within 90 days of the Minister's notice the Minister may amend it to bring it into conformity.

Within two years of adopting a development plan, each local municipality represented in the regional county municipality must adopt a planning programme. The planning programme outlines the aims of land development in the local municipality. The planning programme is adopted through a by-law established by the local municipal council. By-laws of a local municipality must conform to the planning programme which must itself conform to the county development plan. As is the case with development plans, local planning programmes do not need provincial approval. However, the Minister can order a local municipality to prepare a planning programme and may act in the case where the local municipality fails to do so.



## Subdivision Control

In the province of Québec, local councils may enact subdivision by-laws and appoint approving officers. The Land Use and Planning and Development Act specifies that no provincial approval is required as the local municipalities have immediate control, which includes minimal standards. The province maintains subdivision control in the rural areas of Québec through the Act to Preserve Agricultural Land.

Approval of a plan of subdivision is made by local council unless a municipal approving officer has been appointed through by-law. The Commission municipale du Québec is responsible for ensuring that subdivision by-laws conform to regional development plans and local planning programmes.

## Zoning

Provincial approval is not required in order to pass a zoning by-law in the province of Québec. Within two years of a development plan coming into force, each local municipality in the particular regional municipality must adopt a zoning by-law, or amend any existing by-law to conform to the development plan. In addition, when a planning programme of a local municipality is adopted, the local municipality must adopt a zoning by-law that conforms to it. All zoning by-laws must conform to the relevant regional development plan.

### 1.2.6 Ontario

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## Provincial Policy on the Delegation of Planning Authority

The Planning Act 1983 enables the Minister of Municipal Affairs to delegate many of his/her approval powers to municipalities. This may include the authority to approve subdivisions (large scale division of land) and the authority for a region or county to approve a local municipality's planning policies. (Ontario is divided into regions and counties which contain towns, townships and villages. Cities are separated from counties for municipal purposes).

There is no Cabinet policy on delegation of planning authority. However, the Ministry of Municipal Affairs uses the following informal criteria to determine whether delegation is appropriate:

- presence of permanent professional planning staff
- an official plan (municipal planning policy document), which adequately addresses provincial interests
- municipal financial resources to undertake the function
- satisfactory local procedures for processing applications.

Most regions have been delegated approval authority for subdivisions and condominiums. A limited number of regions have been delegated the authority to approve the official plans and amendments of their constituent local municipalities. Some counties and separated municipalities have also received delegation of subdivision and condominium approval.

The authority to approve consents (small scale division of land) is assigned by the Planning Act to regions, counties and separated cities except in Northern Ontario where the Minister is the approval authority. (The four cities in Northern Ontario are assigned consent granting power). The Minister may delegate this authority to towns, townships or planning boards in Northern Ontario.

### Ministry of Municipal Affairs

The Ministry of Municipal Affairs is concerned with municipal affairs and community planning functions for the province of Ontario. The Ministry administers the Ontario Planning Act which ensures that municipal planning policies are consistent with provincial policies in this area. The Ministry formulates policy statements, sometimes in conjunction with other ministries, to guide municipalities in their planning activities. The Ministry of Municipal Affairs is responsible for the co-ordination of municipal planning activities and offers a wide range of services to assist local governments in their planning functions.

### Municipality

Under the Ontario Planning Act, a municipality includes a local, county, regional, metropolitan or district municipality. A local municipality includes a city, town, village or township. Most local municipalities in Southern Ontario are grouped into counties (mainly in rural areas) or regional municipalities (mainly in urban areas). They are organized under a two-tier system where upper-tier regional municipalities are formed of a given number of lower-tier or local municipalities. In Northern Ontario, in areas

where population numbers do not justify the creation of a municipal government, localities are grouped into district municipalities. A particular municipality serves as the basis for the preparation and adoption of the official plan. Where there is a conflict between plans in the two-tier system, the upper-tier municipal plan or regional plan prevails. In this case, every local official plan and zoning by-law shall be amended to conform with the approved upper-tier municipal plan or regional plan.

### Planning Board

The main task of the planning board is to prepare an official plan for the outlined planning area. Defined by the Ministry of Municipal Affairs, these planning areas are located in Northern Ontario and can include various combinations of municipalities or unorganized territory. Members of planning boards representing the municipalities are appointed by the local municipal councils concerned while members for the unorganized territory are appointed by the Minister. For a given planning area, the Minister of Municipal Affairs specifies the minimum number of members to be appointed by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister to a Provincial Planning Board.

### The Ontario Municipal Board

The Ontario Municipal Board is an administrative tribunal which adjudicates municipal matters. Members of the Board are appointed by the Ontario Cabinet. It conducts public hearings on land use planning issues and planning applications which have been appealed directly to it or which have been referred for appeal by the Ministry of Municipal Affairs. Examples of issues and applications which can be contested are zoning by-laws, land severance, minor variances, official plans and subdivisions.

Depending of the object of dispute, there are three ways individuals can proceed to make an appeal to the Ontario Municipal Board. In the cases of zoning by-laws or land severance, for instance, appeals are directed to the municipal clerk who forwards them to the Ontario Municipal Board. In situations where council refuses to amend zoning by-laws, appeals can be made directly to the board. Objections to proposals for official plans or subdivisions are made to the Ministry of Municipal Affairs for referral to the Ontario Municipal Board when reasons for appeal are considered well founded by the Ministry.

## THE PLANNING INSTRUMENTS

### The Community Plan (The Official Plan)

The official plan is the policy document of the local, county or regional municipality. The plan sets out long range goals and objectives of future development. Dealing primarily with the physical aspects of growth and development, its main purpose is the control and guidance of such physical development. In Ontario, a plan does not become the official plan until it has been approved by the Minister of Municipal Affairs or the Ontario Municipal Board. In the case of upper-tier municipalities, the Minister may delegate the authority to approve local official plans to eligible municipalities upon request. The criteria applied include: appropriate official plan coverage; permanent professional planning staff; and satisfactory administrative procedures and sufficient financial resources to carry out the responsibility.

The council first must adopt the official plan. It then submits the proposed plan to the Minister of Municipal Affairs or to the regional municipality to which the Minister has delegated approval powers. In the case of ministerial approval, the Minister may refer the plan to the Ontario Municipal Board. S/he may also refer the plan to the board on recommendation of the council or on request of individuals who have objections to the proposed plan. When approval is given by the Minister, the delegated authority, or the Ontario Municipal Board in the case of appeals, the plan becomes official.

In Ontario, an official plan has no legal effect until it is implemented by by-laws. However, once a plan is approved and implemented, all subsequent by-laws and public works must conform to the plan. Where there is a conflict between plans in the two-tier system, the upper-tier municipal plan prevails. In this case, every local official plan and zoning by-law shall be amended to conform to the approved upper-tier municipal plan.

### Subdivision Control

Subdivision control is one of the legal planning devices utilized to implement official plans. In the province of Ontario, the Minister has official authority over subdivision control. The Ministry has delegated approval authority of a subdivision plan to all upper-tier municipalities and may in the future delegate these powers to other municipalities. In some cases, such power to approve subdivision plans may be sub-delegated by the municipal council to a committee or an appointed officer.

Subdivision applications are made to the Minister or directly to a municipality that has been delegated approval powers. The Ontario Municipal Board has the authority to order the cancellation of part or all of a registered subdivision plan and is the appeal mechanism for individuals and municipalities in subdivision concerns. Appeals to the Ontario Municipal Board can be made, for instance, by individuals whose subdivision draft proposals have been refused by the Minister or delegated authority. Individuals or municipalities can also appeal to the board in situations where they are not satisfied with the conditions of subdivision draft approval.

Since 1970, the Ontario Planning Act no longer requires a by-law to impose subdivision control once an application for subdivision has been accepted or a subdivision plan approved. However, councils may pass by-laws restricting the number and size of subdivisions, the number and size of building lots, and may impose conditions on the subdivider.

### Zoning

Zoning is another legal planning device used to implement official plans. It is a planning instrument by which local governments can legally control land use or changes in land use. Zoning by-laws set out land uses permitted and development standards by which such uses may be continued, including density of occupation, lot size, building height, side yard dimensions and setback from the street and parking requirements. Holding by-laws, bonus by-laws, interim control by-laws and temporary use by-laws are additional provisions allowing for an increased flexibility in the control of land use and development.

Municipal councils are responsible for preparing, adopting and modifying zoning plans and regulations. Where there is no appeal, zoning by-laws come into effect the day they are passed by the council. In Ontario, it is no longer necessary for zoning by-laws to be approved by the Ontario Municipal Board. However, the Minister may impose a restriction that supersedes a by-law passed by council and may order the zoning of a municipality even if there are existing by-laws.

The Municipal Board of Ontario acts as the appeal board in zoning cases. Any person can appeal to the Ontario Municipal Board a decision to adopt, modify or refuse to amend a zoning by-law. An individual may appeal, for instance, a zoning by-law that is believed to adversely affect his/her interests. A person may also appeal to the Board in a case where the council refuses the application for an amendment to the zoning by-law or neglects to make a decision on the request for amendment. The Board has the power to dismiss or allow appeals, repeal or amend by-laws.

### 1.1.7 Manitoba

#### Provincial Policy on the Devolution of Planning Authority

The Province of Manitoba supports the delegation of planning responsibilities to local governments through provisions in The Planning Act. Where municipalities do not exercise their right to take advantage of these provisions, planning authority rests with the Provincial government. The City of Winnipeg, on the other hand, has been delegated planning authority through the provisions of the City of Winnipeg Act.

In 1976 Manitoba adopted a new Planning Act. A major component of the Act was the provision for two or more municipalities to join together to form a planning district, the activities of which are directed by a board comprised of council members from each of the constituent municipalities. The primary responsibility of the planning district board is to prepare a district development plan (or basic planning statement) which, if approved by the Province and adopted by the district board would replace provincial land use policies as the tool to regulate land use. Upon adoption of a plan, each of the constituent municipalities of the planning district prepares and adopts a zoning by-law that is consistent with the provisions of the adopted plan.

The Province has delegated to the City of Winnipeg responsibility over all land use planning except for the development plan. Plan Winnipeg, the city's development plan, requires approval by the Minister of Urban Affairs since it has implications which go beyond the city's jurisdiction (i.e., the plan's policies might have impacts on neighbouring municipalities, on provincial interests, policies, and programs, etc.). In all other planning matters - zoning, subdivisions, action area plans, etc. - the City of Winnipeg is delegated final decision-making authority. The Province considers that a city the size of Winnipeg has the staff and financial resources necessary to be able to deal with planning and development matters, and to have final approval authority over them.

#### Ministry of Urban Affairs/Ministry of Rural Development

In the province of Manitoba, with the exception of unorganized territory in Northern Manitoba and the City of Winnipeg, the Minister of Rural Development is empowered with the duties and responsibilities that are outlined in The Planning Act. Upon request from two or more municipalities, the Minister will direct the Municipal Board to hold a hearing regarding the formation of a planning district. The Lieutenant-Governor in Council then establishes a district by Order in Council. Manitoba development plans must receive approval from the Lieutenant-Governor in Council (The Provincial Cabinet). Subdivision plans must receive approval from the Minister (with the

exception of those for Winnipeg). However, this authority in the area of subdivisions may be delegated to a district planning board.

The Minister's duties also include providing recommendations to the Lieutenant-Governor in Council regarding provincial land use policies, the designation of planning districts, approvals or rejections of district or municipal development plans, and the establishment of special planning areas.

In unorganized territory in Northern Manitoba the Minister of Northern Affairs is responsible in the area of planning and is the Minister responsible for the Northern Affairs Act.

The City of Winnipeg Act under the jurisdiction of the Minister of Urban Affairs, is the legislation that governs planning matters for the City of Winnipeg. The Minister of Urban Affairs approved the Winnipeg Development Plan (known as Plan Winnipeg) and must approve all amendments to it.

### Municipality

In the province of Manitoba the basic planning unit is the municipality or the planning district. Upon request by participating municipalities the Manitoba Municipal Board recommends the area to be included in a planning district while it is the Lieutenant-Governor in Council who establishes the district. A planning district consists of the total of, or parts of, two or more municipalities.

The first major duty of a council or district board, representing the municipality or planning district, is the preparation and adoption of a development plan or basic planning statement. The development plan or basic planning statement is adopted as a by-law by the municipality or district board.

### Planning Board

In Manitoba, a planning district board is created when two or more municipalities form a planning district. The board is primarily responsible for preparing and adopting the initial district development plan (as well as any subsequent amendments) and is also responsible for administering the district plan, the zoning by-laws and building by-laws of its member municipalities. The board also acts as the final appeal body on zoning appeals and, upon authorization of the Minister responsible for the Planning Act, it may be the approving authority on subdivisions. The Minister may provide assistance to a planning district or municipality upon request.

The council of a municipality or board of a district may establish planning advisory committees through by-law. These advisory committees are responsible for suggesting and assisting in general planning activities including plan preparation and zoning by-laws.

### Provincial Land Use Committee of Cabinet (PLUC)

Since the adoption of the current Planning Act (1976), successive governments have appointed a cabinet committee known as the Provincial Land Use Committee (PLUC). It usually consists of six or seven Ministers with responsibility for land use related departments, such as the Ministers of Rural Development, Natural Resources, Highways and Transportation, Environment, Agriculture, Northern Affairs, Urban Affairs, etc. This committee reviews major land use issues in the province and is responsible, along with the Interdepartmental Planning Board, with administering the provincial land use policies.

### Interdepartmental Planning Board (IPB)

Since 1976, an Interdepartmental Planning Board (IPB) has been functioning under the authority of the Planning Act. This board consists of senior level civil servants (mostly deputy ministers and assistant deputy ministers) of nine or ten land use-related government departments and Crown Corporations. The Interdepartmental Planning Board reviews major land use issues in the province and along with PLUC administers the provincial land use policies. IPB also acts as the government review body for development plans, zoning by-laws and subdivision applications.

### Manitoba Municipal Board

The Manitoba Municipal Board hears objections related to various statutes of Manitoba, including those filed with the Minister of Rural Development, regarding development plans and basic planning statements as well as amendments to those documents. The Board also hears appeals in the area of subdivision control. The Manitoba Municipal Board also hears objections to zoning by-laws where there is no planning district in place. Decisions or orders made by the Board on zoning or subdivision matters are final and are not subject to appeal. However, the Board only makes recommendations to the minister on development plan appeals. The Minister of Urban Affairs may refer appeals against a Plan Winnipeg amendment to the Municipal Board which will hold a hearing and submit a recommendation on the amendment to the Minister of Urban Affairs. Zoning and subdivision applications in Winnipeg are not appealable to the Board.



## PLANNING INSTRUMENTS

### Provincial Land Use Policies

In 1981 Manitoba adopted as a regulation under the Planning Act, a set of 13 land use policies known as the Provincial Land Use Policies. These policies are used as guidelines by the Province in making land use decisions. Development plans and amendments thereto generally cannot be inconsistent with the policies, and subdivisions which do not conform to the policies are rejected in municipalities which do not have development plans in place.

### Community Plan (Municipal or District Development Plan)

A development plan may be prepared for a municipality or a planning district. A basic planning statement, which is a simpler version of the more comprehensive development plan, may be prepared for smaller municipalities. After consulting the Minister, the council or district board may prepare a development plan. Prior to final adoption, the Minister approves the development plan or basic planning statement. The Minister can require that a development plan be adopted within two years. With respect to the City of Winnipeg, the development plan needs to be jointly approved by City Council and the Minister of Urban Affairs.

A development plan is adopted by by-law. A formal public hearing is required between first and second readings. The plan is sent to the minister who in turn circulates it through Interdepartmental Planning Board for review by government. The minister tentatively approves the plan after second reading or, if there are objections either by the public or the province, a Municipal Board hearing is called. The plan is then given third reading with whatever changes are ordered by the Minister. After third reading, the plan is approved by Cabinet. Amendments to the plan follows the same procedure. Once adopted, a development plan replaces the Provincial Land Use Policies for that jurisdiction.

Basic planning statements follow somewhat the same procedure, but do not require cabinet approval. In unorganized territory in Northern Manitoba, the Minister of Northern Affairs approves plans.

Regarding Plan Winnipeg, the council submits the development plan by-law to the Executive Policy Committee (EPC) before the first reading. The EPC makes recommendations to council after consultation with each community committee and each council of a municipality which may be affected significantly by the prepared amendment, alteration, repeal or replacement of the Winnipeg development plan. A public meeting is held by the EPC before the second reading. The council then forwards a copy of the development plan by-law to the Minister of Urban Affairs who may reject or approve the development plan by-law according to certain conditions. When the Minister approves the plan by-law, the plan by-law is then given a third reading and is adopted by council. When the Minister approves it under certain conditions, the Council amends the by-law so it conforms to the decision or conditions imposed by the Minister before adoption of the amended version of the development plan by-law. Once approved by the Minister of Urban Affairs, the plan by-law is binding on all persons and not subject to appeal.

Also in Winnipeg, the six large "communities" which make up the City may have more detailed plans adopted. These are known as community plans and are adopted by City Council as a by-law. They must conform to Plan Winnipeg and they require the Minister's approval. Furthermore, a third and more detailed plan can be adopted as a by-law by Council for local neighbourhoods. These are known as action area plans and must also conform to Plan Winnipeg.

### Subdivision Control

While the Minister has jurisdiction over subdivision control in Manitoba, the Minister may designate a planning district board as the authority in this area. The approving authority (whether the Minister or the planning board) cannot approve a subdivision unless the council also approves it nor can a subdivision be approved unless it conforms to the Provincial Land Use Policies or the Development Plan (where one has been adopted for the area) and local zoning. In unorganized territory in Northern Manitoba, authority for the approval of subdivisions is given to the Minister of Northern Affairs responsible for the administration of the Northern Affairs Act.

Winnipeg City Council has been delegated approval power over subdivision plans. When applications for subdivision conform to the development plan, and various other requirements, council's standing committee on planning and community services is delegated approval authority.

## Zoning

In Manitoba, a council may only enact a zoning by-law if a development plan or basic planning statement has been adopted. The zoning by-law must generally conform to the adopted plan. Furthermore, when a district or municipal development plan has been adopted, the council or district board must generally adopt a zoning by-law within twelve months of the adoption of the plan.

No development may take place in a municipality or district that has a development plan or basic planning statement unless a development permit has been issued by the municipality or district board where one is in place.

Individual municipalities adopt their own zoning by-laws even if there is a district development in place. A formal public hearing is required between first and second readings of a zoning by-law. The zoning by-law is sent to the Minister who in turn circulates it internally through the Interdepartmental Planning Board for review by government. If anyone objects to a zoning by-law (including the Minister), the municipal board, or the planning district board if there is one, holds an appeal hearing. Council is bound by the decision of the board and a zoning by-law does not require ministerial approval.

In Winnipeg, the six large communities which make up the City, have their own zoning by-laws adopted for them by City Council<sup>1</sup>.

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### 1.2.8 Saskatchewan

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## Provincial Policy on the Devolution of Planning Authority

Saskatchewan Urban Affairs believes that decisions that are primarily of local impact are best made by local authorities. Therefore, the Department has eliminated requirements for Provincial approval of decisions made by these authorities. For example, zoning bylaw amendments passed by an urban municipal council previously required approval by the Minister of Urban Affairs before coming into force. This requirement has been eliminated, although council must follow the procedures specified in The Planning and Development Act, 1983.

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<sup>1</sup>

Both the Planning Act and the planning sections of the City of Winnipeg Act are currently undergoing a major review. It is anticipated that a number of processes outlined here will change as a result of this review.

The Department has, however, retained approval authority for planning policy documents of urban municipalities, such as development plans or basic planning statements. Amendments to these documents also require Ministerial approval. This is to ensure that municipal policies are consistent with provincial and intermunicipal objectives.

The Department also acknowledges that certain planning decisions require a degree of technical expertise beyond the resources of small communities. In these situations, authority is only delegated to those municipalities which have the resources to carry it out. An example of this is subdivision approval which has been delegated to only nine cities in the province. For the remainder of urban municipalities, subdivision approval is carried out by the Department in consultation with the municipality involved.

Saskatchewan Urban Affairs perceives its role in planning as maintaining effective and current legislation to support municipal planning and to provide advisory assistance to municipalities in carrying out their responsibilities.

#### Ministry of Rural Development/ Ministry of Urban Affairs

In Saskatchewan, the Ministers of the Department of Urban Affairs and the Department of Rural Development each appoint a director of community planning to administer The Planning and Development Act<sup>1</sup>. These directors are also responsible for carrying out any duties assigned to them by their respective ministers. The duties of these directors include research in the area of community planning, technical planning assistance and promoting public interest.

The Minister may order a council to prepare or amend a development plan or basic planning statement if the council does not do so itself. However, this authority is intended for extreme circumstances and has never been exercised. Ministerial approval of plans and by-laws in the province of Saskatchewan is required. The Minister may also make recommendations to the Lieutenant-Governor in council regarding potential provincial land use policies. Furthermore, the Minister may order that planning districts be established.

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<sup>1</sup> Some changes are to be expected as the Department of Urban Affairs has recently been renamed as the Department of Community Services and been given added responsibilities.

### Municipality

In Saskatchewan, a municipality is to include urban municipalities, rural municipalities or northern municipalities. The councils of municipalities may prepare and adopt development plans or basic planning statements and are bound by these planning instruments. Two or more councils, or the Minister, may establish planning districts.

In Saskatchewan, where the council wants to exercise specific control over the land use and development of a specific part of the municipality, it may, as a part of its zoning by-law, and subject to guidelines contained in its development plan, designate an area to be a Direct Control District.

### Planning Authority

In the province of Saskatchewan, there is no central planning board. However, a council in Saskatchewan may, through by-law, appoint a municipal planning commission of up to 15 members, to provide advice in the area of planning matters by conducting planning studies and public meetings. District planning commissions may be established for planning districts for the purpose of the preparation of development plans for these districts.

### Appeal Board

In the province of Saskatchewan, there are two levels at which appeals can be made. At the provincial level, there is the Planning Appeals Committee of the Saskatchewan Municipal Board. In addition, each municipality with a zoning by-law is required to establish a Development Appeals Board.

The Development Appeals Board of a municipality or district is responsible for handling appeals pertaining to the refusal of development permits. In addition, where a municipal council has been delegated authority in the area of subdivision control, appeals are to be made first to the Development Appeals Board within 30 days of a refusal.

The Planning Appeals Committee of the Saskatchewan Municipal Board hears appeals from the decisions of a Development Appeals Board. The provincial board also hears appeals regarding the refusal to approve a plan of subdivision. Furthermore, in direct control districts, appeals to this board can be made regarding the refusal of approval of a development agreement.

## PLANNING INSTRUMENTS

### The Community Plan (The Municipal Development Plan)

The council of a municipality, or the district planning commission in the case where a municipality is part of a planning district, may prepare and adopt either a development plan or a basic planning statement. The development plan must be adopted within two years of a consultation with the Minister. In the case of a basic planning statement, which states the objectives for land use and development in the municipality, adoption must take place within one year. If the municipality does not adopt a development plan within two years, the Minister responsible may extend the deadline. District planning commissions must prepare the district development plan within two years of the district being established.

The council must adopt a zoning by-law in conjunction with the adoption of the development plan or the basic planning statement. Councils have the authority to make amendments to development plans. Under the Planning and Development Act, the Minister has authority to order the preparation of a development plan or planning statement or an amendment to either. However, such provision of the Planning and Development Act is intended for extreme circumstances and has never been exercised.

### Subdivision Control

In Saskatchewan, the Minister has jurisdiction in the area of subdivision control. However, this authority may be delegated to a director of community planning or the council of a municipality. Those councils that are delegated this authority may prepare and adopt subdivision by-laws.

Appeals in the area of subdivision control are to be made to the Planning Appeals Committee of the Saskatchewan Municipal Board. However, where the council has been delegated approval authority the council must appeal first to the Development Appeals Board and may then appeal to the Planning Appeals Committee.

## Zoning

Council is empowered to prepare and adopt a zoning by-law only for the purposes of the adoption of a development plan or basic planning statement. Council must prepare a zoning by-law at the time of the adoption of a development plan or a basic planning statement. Within three months of a zoning by-law coming into effect a Development Appeals Board must be appointed. Saskatchewan utilizes a system of development permits as a way of administering their zoning by-laws. Ministerial approval of "original" zoning by-laws is required.

### 1.2.9 Alberta

#### Provincial Policy on the Devolution of Planning Authority

In Alberta, land use planning takes place within the framework laid out in the Planning Act, passed by the province in 1977, and amended from time to time subsequently.

Most of the responsibility for land use planning in Alberta lies with municipalities, either individually, or collectively through their representation on regional planning commissions, in accordance with the requirements and provisions of the Planning Act.

The Planning Act makes reference to a series of plans that can be used to achieve the orderly development of land: regional plans, general municipal plans, area structure plans, and area redevelopment plans. The Minister of Municipal Affairs does not retain approval authority for municipal plans or municipal land use by-laws. The Minister does ratify regional plans after approval by the Alberta Planning Board.

These plans form a hierarchy or pyramid which reflects the level of detail required and the area to which they apply. Plans further down the pyramid generally cover smaller areas of land and contain policies of a more specific nature with primarily local application. The Planning Act sets out in general terms the purpose and function of each plan, but the detailed content of plans is, to a large degree, discretionary and depends on the needs of the area for which the plan is being prepared. The current system appears to be generally satisfactory and changes are not contemplated at this time.

## The Department of Municipal Affairs

In Alberta the Minister of Municipal Affairs is empowered to administer the Planning Act. The Minister is responsible for ratifying regional plans as well as preparing and adopting regional plans for areas outside regional planning commission boundaries (although no such regional plans currently exist). The Minister is also responsible for delegating subdivision approving authority to municipalities. In addition, where there is no regional planning commission, and a municipality does not have subdivision approving authority, the Minister is the subdivision approving authority.

The Minister is also responsible for carrying out these duties delegated to him/her by the Lieutenant-Governor in Council. In addition, the Minister is to designate which municipal councils within a regional planning area must appoint members to the regional planning commission.

## Municipality

A municipal council in Alberta may, through by-law, establish a municipal planning commission composed of at least three members. If two or more councils agree, a joint planning commission will be established. In the case where a council has been delegated subdivision approving authority, the council may in turn delegate this authority to the commission. In Alberta it is mandatory for urban municipalities of 1,000 or more population and rural municipalities of 10,000 or more population to prepare and adopt a general municipal plan. It is the council of the municipality that is authorized to initiate the preparation of a general municipal plan.

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 urbaines et régionales

## Regional Planning Commission

The primary function of the regional planning commission is the preparation and adoption of the regional plan. Other duties include advising "member" municipalities in planning matters and acting as subdivision approving authority.

## Municipal Planning Commission

The municipal planning commission is not empowered to prepare municipal plans. However, the municipal commission may approve subdivision plans if this authority has been delegated to them.



## Alberta Planning Board

The Alberta Planning Board administers the Alberta Planning Fund to which both the government and municipalities contribute for the purpose of financing planning in the province. The Alberta Planning Board is also the appeal board for the province. The Board must approve proposed regional plans and amendments and is to hear subdivision appeals and regional plan amendment appeals in specific areas. Members are appointed by the Lieutenant-Governor in Council.

While there are local development appeal boards to deal with appeals in areas including zoning and the granting of variances, subdivision appeals are made directly to the Alberta Planning Board. Where regional planning commissions have been granted approval authority in the area of subdivision control, appeals are made directly to the Alberta Planning Board. Also, the failure of a regional planning commission to adopt an amendment to a regional plan may be appealed to the Alberta Planning Board. In addition, the Board is responsible for handling issues in the area of the conformity of local land use by-laws with regional plans.

## Development Appeal Board

Development appeal boards deal with appeals from decisions of a development officer or municipal planning commission. A municipality which has a population of 1000 or more is required to establish, through by-law, a development appeal board. In less populated municipalities, the council is the development appeal board, unless a Development Appeal Board bylaw has been established. However, there is no right to appeal from a development appeal board to the Alberta Planning Board. There is the right to appeal a development appeal board's decision to the Appellate Division of the Supreme Court of Alberta, but only on certain grounds (law or jurisdiction).

## PLANNING INSTRUMENTS

### The Regional Plan

In the province of Alberta, two level planning is permitted. A regional planning commission is responsible for the preparation and adoption of a regional plan. At the meeting of the regional planning commission a majority vote of two-thirds of the members is required. A regional plan must be approved by both the Alberta Planning Board and the Minister of Municipal Affairs. While a notice of the preparation of a plan is sent to the local municipalities, their approval is not required. Any disputes between the regional planning commission and the council may be taken to the Alberta Planning Board.

In the case where an area is not part of a planning region, the Minister of Municipal Affairs in Alberta may prepare and adopt a ministerial regional plan. All local plans are to be consistent with this regional plan.

### The Community Plan (The General Municipal Plan)

The key planning instrument for the municipality is the general municipal plan or a joint general municipal plan when two or more municipalities are involved. All those urban municipalities with a population of more than 1,000 and rural municipalities with populations of 10,000 or more are required to prepare and adopt general municipal plans. The preparation of the general municipal plan is conducted by the council of the local municipality; local municipal planning commissions do not have this mandate. The general municipal plan is adopted through by-law by the local council. No approval by a provincial authority is necessary for general municipal plans.

In addition to general municipal plans, the councils of municipalities may adopt area structure plans and area redevelopment plans. Area structure plans must conform to general municipal plans and are to provide guidelines for the subdivision and development of a specific part of a municipality (generally an undeveloped area). Area redevelopment plans must also conform to general municipal plans and are generally concerned with preserving, rehabilitating, removing, or constructing land or buildings in an existing developed area of a municipality.

### Subdivision Control

In Alberta, the Minister may delegate to the municipal council the authority to approve subdivision plans. These municipal councils may further delegate this approving authority to a municipal planning commission, such as in the cities of Edmonton and Calgary. For municipalities who have not been delegated this approving authority, the regional planning commission is the approving authority. In municipalities not contained within a regional planning commission jurisdiction, the Minister is the approving authority.

### Zoning

The council of an Alberta municipality of over 1000 people is required to pass a land use by-law which must be consistent with any existent regional plans and general municipal plans. This is optional for those areas of less than 1000 residents. Every land use by-law must divide the municipality into districts. A council that has adopted a

general municipal plan may also, through by-law, designate an area as a direct control district in order to have more specific control over development in this area.

If a council adopts a land use by-law it must hold a public hearing before the second reading of the by-law. Provincial approval is not necessary for the enactment of zoning by-laws. In addition, the council of a municipality is empowered to amend a zoning by-law. Amendments also require public hearings before they are passed by by-law.

### 1.2.10 British Columbia

#### Provincial Policy on the Delegation of Planning Authority

British Columbia has a highly decentralized approach to local government planning, with municipalities having a higher degree of autonomy than regional districts. Both share the same legislation for planning and development control, (Parts 21 and 29 of the Municipal Act), but official community plan and zoning bylaws in regional district unorganized areas (electoral areas) are subject to comprehensive provincial review and approval. However, where a regional district has an official community plan in effect, zoning bylaws no longer require approval by the Minister of Municipal Affairs, Recreation and Culture.

In addition to these approval requirements for regional districts, both regional districts and municipalities are subject of Provincial review and approval in the following cases:

- zoning amendments within 500 meters of a limited access highway, require Ministry of Transportation and Highways approval
- subdivision on a floodplain requires Ministry of Environment approval. Official community plans, regulatory bylaws and development permits in some areas of the lower Fraser Valley also require approval insofar as floodplain matters are concerned
- official community plan provision which designates a downtown revitalization area, or which deals with a matter beyond the explicit authority of a local government, approval of the Minister of Municipal Affairs, Recreation and Culture is required

- all village bylaws, which would include community plans and zoning bylaws, must be registered with the Inspector of Municipalities, which is a form of approval and primarily operates to ensure concurrence with lawful practice.

In British Columbia, subdivision approval authority is granted under the Land Title Act to an approving officer which, in the case of the municipality, is a municipal employee and, in the case of unorganized areas, is an employee of the Ministry of Transportation and Highways. These officers act independently of their employers and are guided by Land Title Act provisions and local land use and subdivision regulations and requirements. They must also consider matters pertaining to public health and the public interest such as natural hazards.

Statutory authority for regulatory regional planning was in effect from 1968 to 1983. The repeal of these provisions also repealed existing official regional plans. In 1989, regional districts were given authority for a "development services" function which enables them to carry out a range of activities which can be characterized as strategic planning or which support this. Resulting policies have no legal effect and are not subject to Provincial review or approval.

British Columbia has several specialized forms of local government which apply to limited areas and which have different approval requirements than those for municipalities and regional districts. The City of Vancouver has its own charter and its planning and development control actions are not subject to the Municipal Act, with a few minor exceptions. The Resort Municipality of Whistler, the University Endowment Lands, areas in New Westminster and the Islands Trust area are other examples of areas which have special legislation and approval requirements with respect to planning and development control. The details of these requirements are beyond the scope of this brief outline.

British Columbia does not have any formal appeal system for local planning, zoning and development control decisions. There is provision for the Inspector of Municipalities (a Provincial appointee) to hold public inquiries and carry out investigations, but he does not have the authority to change a local decision. This power does exist for the provincial Cabinet (Section 942 of the Municipal Act), but it has never been used since coming into effect in 1978. The Cabinet may also use Section 6 of the Environment and Land Use Act to deal with a conflict between a local authority and a provincial authority. It has been used, but only for the purposes of establishing moratoria, and then only on a few occasions.

When compared to other jurisdictions, British Columbia's local governments enjoy a very high degree of local autonomy. Even where provincial approvals are required care is taken to ensure that considerations only address matters of significant provincial interest, such as health, the environment, transportation, resource and economic

development. Planning and approval processes are streamlined to ensure that these interests are identified and resolved early. Where this has not occurred, delay can be encountered, but over time this has become the exception.

### Ministry of Municipal Affairs

Local governments in British Columbia are highly autonomous. However, there are powers under the Municipal Act which enable the Minister of Municipal Affairs and the Lieutenant-Governor in Council to direct local governments to change by-laws. This authority has never been used. The Minister can require an official community plan to deal with a matter s/he directs, but this power has not been used either. Ministerial approval of regional district official community plans is required before their enactment. Where there is no such plan in effect, ministerial approval of zoning by-laws is required.

### Municipality (and Regional Districts)

In British Columbia the councils of municipalities (cities, villages and districts) under the Municipal Act and Land Title Act, (with the exception of the City of Vancouver) are empowered to prepare community plans, enact zoning by-laws, enact subdivision approval and controls and establish building regulations.

The city council for Vancouver has similar authority. However, the Vancouver Charter and Land Title Act outline the responsibilities and powers of the Vancouver council. An additional power unique to the Vancouver council is the power to enact a by-law to delegate authority in the area of zoning to any board or municipal official.

In British Columbia, the Minister may also establish regional districts. In 1965 a regional planning system was established to deal with the rapidly developing metropolitan regions and large number of rural and unorganized areas in the provinces. Under this system regional districts were required to construct comprehensive regional plans. In 1983 regional plans were cancelled and eliminated. However, the regional district structure was maintained. There are currently 29 districts covering all but the northwest section of the province. Each regional district contains one or more municipalities and/or unorganized territories.

A regional board, composed of representatives from each of the municipalities and unorganized territories, is to be established for each regional district. The board of a regional district is to carry out the duties of the municipal council as outlined in the Municipal Act. Official community plans must be approved and, where such a plan is not in effect, zoning by-laws require ministerial approval.

## Planning Board

There is no provincial planning board in B.C. as local municipalities are empowered to prepare and adopt community plans. Nevertheless, a municipal council or regional board may, through by-law, establish an advisory planning commission. In the case of the municipality, an advisory planning commission is to advise the council in the areas of land use planning and by-laws. Regional district planning commissions are to deal with all referrals made to them in the area of the preparation and adoption of community plans and by-laws. The responsibilities of these commissions are purely advisory.

## Appeal Board

There is no provincial appeal board for planning disputes in British Columbia. In the case of appeals in the area of subdivision control, those applicants who have had a plan of subdivision rejected by an approving officer have a right to appeal to the Supreme Court.

In other cases, boards of variance may be appealed to for relief in such matters including the variance of the conditions of by-laws and to hear zoning appeals. Under the Municipal Act, where a municipality has adopted a zoning by-law, councils must establish a board of variance. If the population of a municipality is less than 25,000 the board is to consist of three members. For municipalities of greater than 25,000 inhabitants, five members are required for the board.

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## PLANNING INSTRUMENTS

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## The Official Community Plan

A community plan may be prepared for a municipality or a regional district. In the case of the municipality, the council is responsible for the preparation and adoption of the community plan, although it is not required to create one. Furthermore, the province is not empowered to compel a municipal council to carry out its planning duties. If a municipality does adopt a community plan, it is also not a requirement that the plan be implemented.

In order for a community plan to be adopted through by-law, a council must hold a public hearing before it gives a third reading to the by-law. After the final reading of the by-law, the plan becomes the official community plan. A majority vote of council is required to pass the adopting by-law. When a community plan is prepared for a municipality, approval by the Minister of Municipal Affairs is not required.

While provincial legislation in 1983 saw the elimination and cancellation of existing regional plans, regional districts may still prepare community plans. According to the Municipal Act "an official community plan of a regional district applies to an area outside of a municipality that is designated by the Minister as a community planning area." These plans are to be prepared in consultation with the Ministry of Municipal Affairs, the concerned municipalities and unorganized territories and the public. For regional district community plans to become official they must be approved by the Minister. The Minister is to be concerned that the proposed plan does not conflict with provincial interests and that the provisions of the submitted plan comply with the Municipal Act and all other relevant legislation. Upon approval, the Minister is to turn the plan over to the regional district and the regional board for its adoption.

In the City of Vancouver the Master plan is referred to as the Development Plan. The council of the city has the authority to prepare and adopt an official development plan. The plan may refer to the entire city or a specific part of the city of Vancouver.

### Subdivision Control

The Land Title Act of British Columbia is the main piece of legislation concerned with subdivision control matters. In addition, the Municipal Act and the Vancouver Charter provide municipalities and the City of Vancouver with additional authority in the area of the subdivision of land.

In British Columbia, plans of subdivision are to be approved by an approving officer. This officer is to be an employee of the municipality and is to be appointed by the council of the municipality. Outside of municipalities the approving officer is appointed by the Lieutenant-Governor in Council. The approving officer is responsible for ensuring that the application for a plan of subdivision meets all of the requirements of the relevant legislation.

The approving officer may reject a plan if it is deemed to be contrary to public interest. The Lieutenant-Governor in Council may also order that the Registrar not receive a plan if it is perceived to be against public interest. In B.C., the right of appeal, in the case of the rejection by the approving officer of a subdivision plan, is to the Supreme Court.

## Zoning

Municipalities may pass zoning by-laws without provincial approval. Regional districts may pass these by-laws where they have an official community plan in effect, otherwise these require ministerial approval. Approvals in regional districts are required to ensure that plans and regulatory by-laws for rural areas where provincial interests are significant are not in conflict with these interests.

Official community plans are not mandatory but, where they are in effect, any new zoning by-law must be consistent with that plan. Pre-existing zoning by-laws may continue, even though these are at variance with an official community plan, until they are amended, when the requirement for consistency takes effect.

Before an official community plan or zoning by-law which deals with density and use provisions can be enacted they must be subject to a public hearing. This occurs between second and third reading. Enactment takes place at fourth reading.

The regional board may adopt rural land use by-laws which may be employed in Minister-designated planning areas.

### 1.2.11 Northwest Territories

#### Provincial Policy on the Devolution of Planning Authority

Under the Department of Municipal and Community Affairs Establishment Policy approved by Cabinet, "the Minister of Municipal and Community Affairs shall have charge of, and be responsible for promoting the physical development of communities in a manner responsive to community needs and priorities by encouraging effective community and land use planning, by coordinating the organized construction and delivery of community infrastructure, and by promoting the protection of community residents and infrastructure."

#### Ministry of Municipal and Community Affairs

In the Northwest Territories, the responsibilities of the Minister of Municipal and Community Affairs regarding planning authorities are outlined in the Planning Act. The Minister is to appoint a director of planning who is responsible for performing those duties that the Minister requests him/her to do.



The Minister is to approve all general plans, and by-laws. In addition, under the Planning Act, the Minister may order a municipal council to "conform to, enforce, administer, review, prepare, adopt or enact a general plan, development scheme or zoning by-law."

### Municipality

The Planning Act empowers a municipal council to adopt by separate by-law a general plan, zoning by-law and development scheme.

A general plan establishes council's policy with respect to the use and future development of all land within the municipality. A zoning by-law divides the municipality into distinct land use zones, identifies the types of specific land uses associated with each zone and specifies development standards. Finally, a development scheme is adopted by Council to provide detailed direction for the development or re-development of a specific area of the municipality.

### Appeal Board

In the Northwest Territories there is no territorial appeal body. However, at the community level, as part of the zoning and development control process, council appoints a development appeal board. The board is made up of council members and local citizens. The board's job is to hold public hearings on development permit decisions made by the local development officer of council.

## PLANNING INSTRUMENTS

### The Community Plan (The General Plan)

A council is authorized by by-law to prepare and adopt a general plan. The plan is to be based on the results of relevant surveys and studies and is to be prepared by qualified planning personnel.

The general plan is to be adopted by by-law of council. All municipal planning by-laws (i.e. zoning by-law and development scheme) including the general plan are adopted after receiving three readings of council. After first reading, council is required to provide public notice of its intention to adopt a general plan or amend the plan and hold a public hearing on the matter. Following the hearing, council may give the by-law second reading and shall submit it to the Minister for approval. Following review

and approval by the Minister, the by-law is returned to the municipality for third reading and adoption after which it comes into effect.

### Subdivision

In the Northwest Territories, the Planning Act provides for the director of planning to approve plans of subdivision. Any appeals in this area are to be made to the Minister.

### Zoning

Councils in the Northwest Territories are empowered to pass zoning by-laws for their municipalities. The process for adopting a zoning by-law or amending an existing by-law is as described above under the community plan.

## 1.2.12 Yukon Territory

### Provincial Policy on the Devolution of Planning Authority

Planning responsibility has been delegated to all municipalities. The Municipal Act requires that all incorporated communities adopt an official community plan within two years of incorporation and a zoning by law within one year from that time. Generally, the municipalities are being provided with the option to acquire increasing levels of general municipal responsibilities from the Yukon Government. Given the size of most municipal administrative staff, many responsibilities continue to be delivered as a central administrative function.

The act provides for the Government of Yukon to delegate the responsibilities for subdivision control to those communities who adopt a subdivision control bylaw. This opportunity for delegation has only been pursued by one municipality to date.

## Department of Community and Transportation Services

The Minister of Community and Transportation Services in Yukon Territory administers the Municipal Act and the Area Development Act. The Minister is empowered to establish a land planning board and for any district may establish a land planning committee. In addition, in lieu of a committee, the Minister may allow the board to perform the duties of a committee.

The Minister is empowered by the Act to adopt land use plans, develop legislation to establish land planning districts as well as establish zoning. Furthermore under the Act the Minister "may make such regulations... as s/he considers necessary or advisable for the administration and enforcement of a plan adopted under this act".

### Municipality

In Yukon Territory, there are eight incorporated communities, all of which are required to develop an official community plan. Ministerial approval is required before the plans can be adopted. Community plans may also be prepared for unincorporated communities. Area development regulations passed under the Area Development Act may be established by the Minister to implement the plan in unincorporated communities.

### Appeal Board

Appeals in the area of misapplication and hardship in incorporated municipalities are made to a board of variance appointed by council and then if necessary to the Yukon Municipal Board.

## PLANNING INSTRUMENTS

### The Community Plan (An Official Community Plan)

The Minister and the Yukon Municipal Board have approval authority in the area of Community Plans in Yukon Territory, with the approval of both being required after the second reading. The incorporated communities of Carmacks, Dawson City, Faro, Haines Junction, Mayo, Teslin, Watson Lake and Whitehorse are required to prepare an official community plan. The local council of incorporated communities may have an appointed community planning steering committee to prepare the plan or planning staff from the Yukon Government. In the case of an incorporated community, a zoning by-law is utilized to implement the plan.

In an unincorporated community, local residents or representatives from local organizations may form a community planning steering committee to assist in the preparation of a community plan. Ministerial approval is required. In unincorporated communities, community plans are implemented by area development regulations. These regulations are to be developed and administered by the Yukon Government under the Area Development Act.

Under the terms of Yukon First Nation's Comprehensive Claim, and the subsequent legislation, the Umbrella Final Agreement, there will be legislative requirements with respect to participation and representation of the First Nation in the completion of the original plan i.e. community plan, regional plan, district plan. Although this legislation has not been ratified at this time, it is an anticipated planning requirement of the future.

Regional planning is guided under the terms of the Yukon Land Use Planning Agreement, a tripartite agreement signed between the Federal Government, the Government of Yukon and the Council for Yukon Indians (CYI). The agreement, signed in 1987, specifies that regional plans will be approved by the Minister of Indian and Northern Affairs Canada (INAC) and the Minister of the Government of the Yukon's Department of Renewable Resources. These Ministers also provide direction to the regional planning commissions, upon the advice of the policy advisory committee. The agreement specifies that the policy advisory committee and the regional planning commissions shall each consist of one representative of the Federal Government, the Government of Yukon and the Council for Yukon Indians.

### Subdivision Control

The Minister may delegate subdivision approving authority to the council of a community. However, prior to a municipality being designated approval authority in the area of subdivision control, subdivision control by-laws must receive Ministerial approval.

### Zoning

In incorporated communities, three readings of zoning by-laws are required with Ministerial approval being necessary after the third reading. No zoning amendment which does not comply with the official community plan is permitted.

**TABLE 1 A SYNOPSIS OF PLANNING LEGISLATION IN CANADA**

<u>PROVINCE OR TERRITORY</u>	<u>PROVINCIAL MINISTRY</u>	<u>MUNICIPALITY</u>	<u>PLANNING BOARD</u>	<u>APPEAL BOARD</u>
NEWFOUNDLAND	<ul style="list-style-type: none"> <li>-Minister of Municipal and Provincial Affairs is to administer <u>The Urban and Rural Planning Act</u></li> <li>-Minister may define a municipal planning area, regional planning area, local planning area and joint planning area</li> <li>-Minister may order preparation of the regional plan</li> <li>-Minister is the final approval authority for all plans. The Minister may only approve regional plans with the concurrence of the Lieutenant-Governor in Council.</li> </ul>	<ul style="list-style-type: none"> <li>-May have both regional and local municipalities</li> <li>-Local municipalities are empowered to prepare, adopt and amend local municipal plans</li> <li>-it is mandatory for councils to adopt zoning regulations when municipal plans come into effect</li> </ul>	<ul style="list-style-type: none"> <li>-Act provides that a Provincial Planning Board may exist to advise the Minister in urban and rural planning matters and may assist council in area of local planning</li> <li>-Presently there is no Provincial Planning Board in the province</li> <li>-Newfoundland is the only province where there are no local advisory committees</li> </ul>	<ul style="list-style-type: none"> <li>-Minister may order that appeal boards for a given area be established. This board is to deal with only those appeals in the area of development applications.</li> <li>-There are 4 regional appeal boards appointed by the Province. There are also a number of local boards of appeal which operate in municipalities which have approved municipal plans and development regulations.</li> </ul>
PRINCE EDWARD ISLAND	<ul style="list-style-type: none"> <li>-Minister of Community and Cultural Affairs is responsible for administering the <u>P.E.I. Planning Act</u></li> <li>-Establishes P.E.I Land Use Commission which is the approval authority for official plans and has appeal functions</li> <li>-Ministerial approval is required for all by-laws</li> <li>-The Minister must approve subdivision plans in any municipalities which does not have an official plan and by-laws in place</li> </ul>	<ul style="list-style-type: none"> <li>-City of Charlottetown and Town of Summerside are covered under their own acts</li> <li>-Councils may adopt official plans prepared by a planning board</li> <li>-Councils are to prepare by-laws in order to implement the plan</li> <li>-Proposed official plans require approval from the P.E.I. Land Use Commission</li> </ul>	<ul style="list-style-type: none"> <li>-Councils are required to appoint a planning board for the purpose of the preparation of an official plan</li> </ul>	<ul style="list-style-type: none"> <li>-The P.E.I. Land Use Commission is the provincial appeal body in P.E.I</li> <li>-No appeal from the decision of the commission</li> </ul>

**PROVINCE OR TERRITORY**

**NOVA SCOTIA**

**PROVINCIAL MINISTRY**

-Minister of Municipal Affairs administers The Nova Scotia Planning Act

-Minister may establish district planning commissions at the request of the councils of two or more municipalities.

-Ministerial approval of land use by-laws is required

-Minister has approval authority for municipal strategies and subdivision plans

-The Act empowers the Minister to establish provincial regulations

**MUNICIPALITY**

-Municipalities include cities, incorporated towns, or rural municipalities

-Prior to preparing a municipal planning strategy a Nova Scotia council must adopt a public participation program.

-Municipalities may prepare planning strategies

-Municipalities may establish planning advisory committees.

-Council must adopt a land use by-law prior to the submission of the municipal planning strategy for approval

**PLANNING BOARD**

-Planning advisory committees or joint planning advisory committees, established by councils are to perform advisory functions

-District planning commissions may assist their municipalities with planning matters including the preparation of their municipal planning strategies

**APPEAL BOARD**

-The Nova Scotia Municipal Board is the provincial appeal board

-Municipal development officers may grant minor variances

**NEW BRUNSWICK**

-Minister of Municipal Affairs administers The Community Planning Act

-Minister is responsible for unincorporated areas in New Brunswick which constitute approx. 90% of province.

-Cities, towns and villages may be within planning districts existing within one of the seven regions provided for in the Act.

-The cities, towns and villages may prepare and adopt either a municipal plan or basic planning statement

-Planning advisory committees serve advisory functions for municipalities not in planning districts

-New Brunswick Provincial Planning Appeal Board deals with misapplications and hardships

-Two members from each of the planning regions are to be appointed to the Board by the Lieutenant-Governor in Council

PROVINCE OR TERRITORY

NEW BRUNSWICK

PROVINCIAL MINISTRY

- The Minister may order the preparation of a development plan or basic planning statement
- Minister has the power to exercise councils duties when they fail to do so. However, this power has not been exercised.

-Minister may establish planning district

QUÉBEC

-Minister of Municipal Affairs administers The Land Use Planning and Development Act

-Minister may demand that regional county municipalities modify their plans if they do not conform to government interests

-No Ministerial approval of plans or planning programmes is required

MUNICIPALITY

-In unincorporated areas, the province may prepare an area plan, basic planning statement, development scheme or urban renewal scheme. Municipalities have no authority with regards to planning in unincorporated areas.

-Two levels of municipalities

- 1) Regional county municipalities (95)
- 2) Local municipalities (1500)

-There are also urban and regional communities.

-Regional county municipalities are to prepare and adopt a development plan. Ministerial approval of development plans is not necessary.

-A local municipality is to prepare a planning programme

-Municipalities do not need to seek approval from the Minister in the case of plans of subdivision.

PLANNING BOARD

-District planning commissions have been established to develop and administer planning instruments for municipalities within it

-Provincial Planning Committee is responsible for unincorporated areas

-In Québec there is no provincial planning board

-The regional county municipality or local municipality may by by-law establish planning advisory committees

APPEAL BOARD

-Commission municipale du Québec assesses the conformity of a by-law with a plan. However, it is not an appellate body.

-There is no provincial appeal board in the province of Québec

PROVINCE OR TERRITORY

QUEBEC

PROVINCIAL MINISTRY

ONTARIO

- Minister of Municipal Affairs administers The Ontario Planning Act
- Minister may amend official plans if they affect provincial interests
- In the area of official plans the Minister may delegate approval authority to qualified upper-tier municipalities
- The Minister may also delegate approving authority for subdivision plans to eligible municipalities

MUNICIPALITY

-While by-laws are to conform to development plans, no provincial approval of land use by-laws is required.

- Regional municipalities and local municipalities
- Municipalities may prepare and adopt official plans and, if delegated approval authority, may approve official plans (In Northern Ontario a planning board is to prepare the official plan where the Minister has designated a planning area)
- Municipalities may prepare and adopt subdivision plans and, if delegated approval authority, may approve subdivision plans
- Municipalities may enact their own zoning by-law

PLANNING BOARD

- Planning boards may be established for a given area
- A planning board must be established in Northern Ontario if the Minister names a planning area in that region

APPEAL BOARD

- The Ontario Municipal Board is the provincial appeal board
- The Minister may refer a plan to the Board in deciding upon its approval
- Municipalities may utilize the Board to settle zoning disputes
- The Minister may ask the Board to settle conflicts in the area of provincial interests and local planning activities
- Provincial appeal board is the Manitoba Municipal Board
- The Board hears appeals for development plans, basic planning statements, zoning by-laws and subdivisions.
- The Board may cancel subdivision plans

MANITOBA

- Councils or district boards may establish by-law planning advisory committees





PROVINCE OR TERRITORY

MANITOBA

PROVINCIAL MINISTRY

- Upon request of municipalities the Minister recommends that a planning district be established
- Approval by Lieutenant-Governor in Council or Minister is required for development plans and basic planning statements respectively

-In unorganized territory in Northern Manitoba the Minister responsible is the Minister of Northern Affairs

-City of Winnipeg is governed by the City of Winnipeg Act (Minister of Urban Affairs)

-Province has Provincial Land Use Committee of Cabinet and Interdepartmental Planning Board to review major land use issues.

-Province has adopted provincial land use policies to guide in land use decision making and the formulation of development plans, zoning and subdivision applications.

-Minister from each of the Department of Urban Affairs and Department of Rural Development appoints a community planning director to administer The Planning and Development Act 1

MUNICIPALITY

-Council or district board may prepare and adopt a development plan or basic planning statement. However, provincial approval is necessary prior to adoption.

-Councils may only enact a zoning by-law if a development plan or basic planning statement has been adopted.

-A subdivision cannot be approved by approving authority unless it also has been approved by council.

-In unorganized territory in Northern Manitoba the Minister in charge of administering the Northern Affairs Act has approval authority in the area of subdivision control

-Two or more councils may establish planning districts

-Councils and district planning commissions may prepare and adopt a development plan or a basic planning statement. However, ministerial approval is required.

PLANNING BOARD

-Planning district board adopts development plans, they must first be approved by the Province

-Planning district board acts as final appeal body on zoning appeals

-Planning district board administers plans, zoning by-laws and building by-laws of member municipalities

-Planning district board upon authorization of Minister acts as approving authority on subdivision applications

-No central planning board.

-A council by by-law may appoint a municipal planning commission for advisory purposes

APPEAL BOARD

-Appeals are made to district boards in zoning matters

-Board makes final decisions on subdivision and zoning appeals and makes recommendations to Minister on development plans and basic planning statements

-Decisions of the board are not subject to an appeal

-Two levels of appeals

-Provincial level is the Provincial Planning Appeals Board which hears refusals of subdivision plans, and refusals of approval of development agreements in a planning district

PROVINCE OR TERRITORY

SASKATCHEWAN

PROVINCIAL MINISTRY

-Minister may order council to prepare a development plan or basic planning statement. Minister may establish planning districts

-Ministerial approval of plans and by-laws is required

-The Minister may delegate approval authority of subdivision by-laws to the director of community planning or to council

-Minister of Municipal Affairs is empowered to administer The Planning Act

-Minister may delegate the approving authority for subdivision plans to councils who may then delegate this authority to a municipal planning commission.

-Minister ratifies regional plan, and may prepare and adopt regional plans for areas outside regional planning commission boundaries

-Where there is no regional planning commission, the Minister is the subdivision approving authority

-Minister of Municipal Affairs is empowered to administer the Municipal Act

MUNICIPALITY

-Council is empowered to prepare and adopt a zoning by-law only for the purposes of implementing a development plan or basic planning statement.

-Councils may by by-law establish municipal planning commissions

-Councils of urban municipalities of 1,000 or more population and rural municipalities of 10,000 or more population must prepare and adopt a general municipal plan. Ministerial approval is not required.

-Ministerial approval of subdivision plans is required where a council has not been delegated approval authority and is not within a regional planning commission region

-Ministerial approval of land use by-laws is not required

-Councils of municipalities over 1000 population must adopt a land use by-law

-Municipalities and regional districts

PLANNING BOARD

-Planning districts may establish district planning commissions for purposes of preparation of development plans

-The Alberta Planning Board (APB) is constituted under Part 2 of the Planning Act.

-The APB administers the Alberta Planning Fund to which both the government and municipalities contribute

- The APB hears appeals on decisions, regional plan amendments, and adjudicates inter-municipal disputes. The APB must approve proposed regional plans and amendments.

-No provincial planning board in British Columbia

APPEAL BOARD

-Municipality is required to establish a development appeals board which is to handle refusals of development permits

-Appeals may be made from the development appeals board to the Provincial Planning Appeals Board

-Alberta Planning Board is the provincial appeal board on regional plan and subdivision matters

-Board deals with conformity issues and distributing the funds of the Alberta Planning Fund

-Municipalities with 1000 population or more are required to pass a by-law to establish a development appeal board (DAB). The DAB hears appeals on development applications and stop orders. The DAB decision is final and binding except on a matter of law or jurisdiction, when an application for leave to appeal to the Alberta court of appeal can be made

-No provincial appeal board

BRITISH COLUMBIA

PROVINCE OR TERRITORY

BRITISH COLUMBIA

PROVINCIAL MINISTRY

- Minister outlines community planning area for community plan
- Minister may use Ministerial order to object to a by-law or plan
- Ministerial approval is required in the case of community plans prepared for regional districts

MUNICIPALITY

- There are presently 29 regional districts each containing one or more municipalities and/or unorganized territories
- A regional district is represented by a regional board
- Municipalities and regional districts (for areas not in municipalities) are empowered to prepare and adopt community plans as well as enact zoning by-laws and subdivision regulations

PLANNING BOARD

- Councils or regional boards may establish by by-laws advisory planning commissions which are to have purely advisory functions

APPEAL BOARD

- Those councils that have adopted a zoning by-law shall establish a board of variance
- Appeals regarding the rejection of a plan of subdivision may be made to the Supreme Court

NORTHWEST TERRITORIES

- Minister of Municipal and Community Affairs is responsible for administering N.W.T. Planning Act
- Minister appoints Director of Planning

- Municipality may prepare and adopt general plan
- After adopting a general plan council may by by-law prepare a development scheme

- No central appeal board. However, a council may by zoning by-law establish a development appeal board

YUKON

- Minister of Community and Transportation Services is responsible for administering the Municipal Act and Area Development Act.
- Minister approves community plans

- There are seven incorporated municipalities all which are required to develop an official community plan

- The territorial appeal board is the Yukon Municipal Board. The Yukon Municipal Board hears appeals

ICURR Intergovernmental Committee on Urban and Regional Research

Comité intergouvernemental de recherche urbaine et régionale

\*1 Saskatchewan: Some changes are to be expected as the Department of Urban Affairs has recently been disbanded.

## CHAPTER 2 – METHODOLOGY

The results of the review of certain aspects of the planning process and legal planning instruments used in each of the provinces and territories suggested that outside of the provinces of Québec and British Columbia, there are large opportunities for the transfer of planning responsibilities to local municipalities. However, it is also apparent that municipalities across provinces/territories and within provinces/territories vary in their ability to accept increased planning responsibilities. This information provides the background for the survey of a sample of local and regional municipalities throughout Canada regarding current planning processes in their province/territory as well as the anticipated costs and benefits of increased planning responsibilities.

### 2.1 QUESTIONNAIRE METHOD AND DESIGN<sup>1</sup>

#### 2.1.1 Questionnaire Objectives

While a review of planning legislation may be indicative of the provinces and territories which are most centralized in the area of planning, it does not disclose the attitudes of those municipalities who would be the likely recipients of any increased planning responsibilities. The main objective of the mail questionnaire used in the provinces and territories was to assess attitudes in municipalities towards the present allocation of planning responsibilities and the potential for increased responsibilities in these areas. Other more specific objectives of the questionnaire were to:

Allow for a comparative analysis, where possible, of the provinces/territories regarding specific planning issues related to the present provincial or territorial involvement in planning.

Examine the extent to which various sized municipalities have engaged in planning to date and their attitudes towards these planning activities.

Determine the present resource needs of municipalities in the area of planning.

Assess the variation in the desirability for and the perception of the issue of the delegation of planning responsibilities to municipalities in each province/territory.

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<sup>1</sup> See Appendix I for copy of questionnaire that was directed municipalities in the province of Ontario.

### 2.1.2 Method

The questionnaire addressed issues concerned with attitudes towards the allocation of planning responsibilities and varied in length from six to ten pages. This was determined primarily by the extent of decentralization of planning that had already taken place in each province/territory. The existence of upper-tier municipalities in a given province/territory also influenced the content and length of the questionnaire. While a different questionnaire was developed for each province and territory, taking into consideration the different planning processes and terminology, the core of the questionnaires was similar. This allowed for a comparison of responses across provinces and territories while allowing for province/territory specific issues to be investigated.

The questionnaire was mailed to each of the 241 selected municipalities in the time period from May 3, 1990 to June 1, 1990. (see section 2.2). At this time it was stated that results would not be available or reported for individual municipalities nor would the identity of participating municipalities be disclosed. Privacy and confidentiality were assured of participants in the covering letter that accompanied the questionnaire. First and second rounds of follow up letters were sent to those municipalities selected to participate in the project in order to assist in increasing the response rate.

The mail questionnaires used in the study were addressed to directors of planning or, in their absence, to the key administrative officer in the municipality. This person was selected as not all municipalities, especially those in specific provinces and territories, and most with smaller populations, had a town or city planner to whom the questionnaire could have been directed. Of the municipalities which responded to the survey, the respondents' occupational positions were as follows: Planners or Directors of Planning 38.4% (68), Administrative Officers 42.4% (75), Town Clerks 15.7% (28), Development Officers 1.7% (3) and Other 1.7% (3).

### 2.1.3 Questionnaire Content

The contents and orientation of the questions in the questionnaires were determined by a review of the planning process and planning legislation of each province and territory. In addition, provincial/territorial input was requested regarding the appropriateness of the questions for a given province/territory. Government officials were also encouraged to suggest the inclusion of additional planning-related questions of interest to their ministry or department. Questions were concentrated in four main areas:

- i) Present Planning Activities
- ii) Present Planning Resources
- iii) Delegation of Planning Responsibilities
- iv) Province/Territory Specific Issues

#### i) Present Planning Activities

Questions in this area assessed the current planning activities of municipalities. The objective was to allow for a comparative analysis, where possible, of the provinces and territories regarding specific planning issues and current provincial/territorial involvement. In addition, these questionnaire items examined the extent to which various sized municipalities have engaged in planning to date as well as their attitudes towards these planning activities.

#### ii) Present Planning Resources

Questions in this area assessed the present resource situation of municipalities and their potential capacity for increased planning responsibilities. Concerns regarding their current planning staff and their reliance on provincially-employed planners were also addressed. In addition, the municipality's needs for additional training in any planning area were evaluated. Finally, a question asking "What resources does your municipality need to better carry out its present planning responsibilities?" was included to assess resource needs prior to any increased delegation of planning responsibilities.

Given the hypothetical situation of increased delegation of planning responsibilities, municipalities were asked to indicate what costs, if any, would be of greatest concern for their municipality. In this area, various types of anticipated costs, including funding and increased staff, were of interest.

**TABLE 2**  
**DESCRIPTION OF VARIABLES**

<u>VARIABLE</u>	<u>QUESTION</u>	<u>VALUES</u>
MAUTHOR1	"This municipality would like more planning authority in the area of Master Plans".	1=Strongly Disagree 2=Disagree 3=Slightly Disagree 4=Slightly Agree 5=Agree 6=Strongly Agree
MAUTHOR2	"This municipality would like more authority in the area of subdivision control".	SAME
AUTHADEQ	"The authority that our municipality presently has in the planning process is adequate".	SAME
CONCERN	"Delegation of planning responsibilities in Ontario is not an issue of immediate concern".	SAME
CONTROL	"Our municipality would benefit from greater control over planning matters".	SAME
RESMAST	"At present this municipality has sufficient resources to enable it to approve Master Plans".	SAME
RESBYLAW	"At present this municipality has sufficient staff resources/ administrative capabilities to enable it to administer and enforce planning by-laws".	SAME

### iii) Delegation of Planning Responsibilities

As the chief purpose of the survey was to assess attitudes toward the increased delegation of planning responsibilities to municipalities, questions directly related to this issue were included. Where possible, all of the questions in this area were included in all of the questionnaires, although variations in current delegation of planning responsibilities and authorities meant that some of the more specific questions were not applicable to all provinces/territories. Table 2 outlines the key questions in this area.

### iv) Province/Territory Specific Issues

As planning processes are not identical in any two provinces or territories, some questions were included in only one or a few of the questionnaires of specific provinces or territories. In the discussion of results in this area, questions included in the questionnaire of a specific province/territory are presented.

TABLE 3 - SAMPLE DESCRIPTION

<u>Province/ Territory</u>	<u>Surveys Sent</u>	<u>Returned Surveys</u>	<u>Response Rate</u>	<u>Final Sample</u>
<b>TOTAL</b>	<b>241</b>	<b>176</b>	<b>73.0%</b>	<b>100.0%</b>
P.E.I.	10 mun	7	70.0%	3.98%
Newfoundland	15 mun	9	60.0%	5.11%
New Brunswick	15 mun	11	73.3%	6.25%
Nova Scotia	15 mun	13	86.7%	7.39%
Québec <sup>1</sup>	10 RCM	7	57.5%	13.07%
	30 mun	16		
Ontario	10 Reg. Mun	7	80.0%	18.18%
	1 Urban	0		
	30 Mun.	25		
Manitoba	5 districts	4	85.0%	9.66%
	15 mun	13		
Saskatchewan	15 mun	12	80.0%	6.82%
Alberta	20 mun	19	95.0%	10.80%
British Columbia	10 Reg. Dist	8	76.7%	13.07%
	20 Mun	15		
N.W.T	12 Mun	6	50.0%	3.41%
Yukon	4 Mun	3	62.5%	2.27%
	4 Bands	1		

<sup>1</sup> Due to delays in the revision of the draft questionnaire for the province of Québec, the questionnaire was not mailed out to municipalities and regional county municipalities in Québec resulting in a shorter response period.



## 2.2 SAMPLE SELECTION AND COMPOSITION

### 2.2.1 Description of Sampling Method

The initial study sample to which the questionnaire was sent included 241 municipalities distributed throughout all of the provinces and territories (See Table 3).

The sampling method consisted of a stratified random sampling technique. The sample was stratified on the basis of size of the municipality using 1986 census population figures. The community size strata utilized were +500,000, 100,000 to 499,999, 50,000 to 99,999, 10,000 to 49,999 and 1,000 to 9,999. This was done to allow for a statistical comparison amongst provinces, territories and different municipality sizes. A random digit table was utilized to select individual municipalities within each of these strata. The size of the initial sample used in a particular province or territory was based on provincial/territorial populations in addition to the municipal structures within these provinces and territories. Oversampling was done in the less populated provinces and territories in order to allow for a sufficient number of cases for statistical analysis.

### 2.2.2 Response Rates and Final Sample Composition

The questionnaires concerned with the delegation of planning responsibilities were mailed to the 241 municipalities in the period from May 3, 1990 to June 1, 1990. During this period two sets of follow-up letters were sent to each of these municipalities to encourage them to complete and return the questionnaire. In the period up to July 4, 1990, 177 completed questionnaires were returned. This resulted in an overall response rate of 73.0% (176). Table 3 provides a breakdown of the response rates for each province and territory. This response rate is comparable to what has been suggested in the literature as a desirable response rate<sup>1</sup>. Table 4 provides a breakdown of the response rates by province and size of municipality. Regarding municipalities that did not respond to the questionnaire, 51.6% (or 33 respondents) were municipalities with between 1,000 and 9,999 residents. The remainder of non-respondents by municipality population size is as follows: < 1,000 7.8% (5); 10,000 to 49,999 15.6% (10); 50,000 to 99,999 15.6% (10) and 100,000 to 499,999 at 9.4% (6).

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<sup>1</sup> Nachmias, C. and D. Nachmias. Research Methods in the Social Sciences. St. Martins Press: New York, 1981.

**TABLE 4**  
**SAMPLE BY MUNICIPALITY SIZE AND PROVINCE**

Province/ Territory	Municipality Size						Total
	Less than 1,000	1,000 to 9,999	10,000 to 49,999	50,000 to 99,999	100,000 to 499,999	500,000 and more	
P.E.I.	-	85.7%	14.3%	-	-	-	100% (7)*
Newfoundland	-	66.7%	22.2%	11.1%	-	-	100% (9)
New Brunswick	-	54.6%	27.3%	9.1%	9.1%	-	100% (11)
Nova Scotia	-	38.4%	46.2%	7.7%	7.7%	-	100% (13)
Quebec	-	26.1%	56.5%	8.7%	8.7%	-	100% (23)
Ontario	-	25.0%	18.8%	12.5%	28.1%	15.6%	100% (32)
Manitoba	-	64.7%	29.4%	-	-	5.9%	100% (17)
Saskatchewan	-	50.0%	33.3%	-	16.7%	-	100% (12)
Alberta	-	36.8%	42.1%	10.5%	-	10.5%	100% (19)
British Columbia	-	21.7%	34.8%	26.1%	17.4%	-	100% (23)
N.W.T.	-	83.3%	16.7%	-	-	-	100% (6)
Yukon	25.0%	50.0%	25.0%	-	-	-	100% (4)
<b>Total</b>	<b>0.6%</b>	<b>41.5%</b>	<b>33.0%</b>	<b>9.7%</b>	<b>10.8%</b>	<b>4.5%</b>	<b>100% (176)</b>

\* Number of municipalities.

When the final sample was investigated by population size, the overwhelming majority of municipalities were in the 1,000 to 49,999 population group (See Table 4). The largest proportion of municipalities, 41.5% (73) were in the 1,000 to 9,999 category, with the next largest proportion falling into 10,000 to 49,999 group, 33.0% (58).

In the analysis of the survey results, a different weight has been allocated to each of the provinces or territories according to the percentage of the Canadian population that their respective provincial/territorial population represents (based on 1986 census population figures - see Table 5). This implies that general results, i.e. those referring to the national sample, subsample or those broken down by community size, are based on weighted values. Results that are presented at the provincial level in chapter 3 and findings discussed by province in chapter 4 are based on unweighted values.

**TABLE 5**  
**SAMPLE BY PROVINCE AND ASSOCIATED WEIGHT FACTOR**

<u>Province/ Territory</u>	<u>Final Sample</u> %	<u>Canadian Urban pop.<sup>1</sup></u> %	<u>Weight Factor for Province<sup>2</sup></u>
<b>TOTAL</b>	<b>100</b>	<b>100</b>	
P.E.I.	3.98%	0.25%	0.0628
Newfoundland	5.11%	1.73%	0.3386
New Brunswick	6.25%	1.81%	0.2896
Nova Scotia	7.39%	2.43%	0.3288
Québec	13.07%	26.30%	2.0122
Ontario	18.18%	38.60%	2.1232
Manitoba	9.66%	3.96%	0.4100
Saskatchewan	6.82%	3.20%	0.4692
Alberta	10.80%	9.70%	0.8981
British Columbia	13.07%	11.81%	0.9036
N.W.T	3.41%	0.12%	0.0352
Yukon	2.27%	0.08%	0.0352

<sup>1</sup> Percentage of the Canadian Urban Population (except for Yukon which includes urban and rural populations) based on 1986 Census population figures.

<sup>2</sup> In situations where one or several provinces are excluded from a subsample, weight factors for the provinces are adjusted to take into consideration the change in the percentages of the Canadian population of the subsample that the respective provinces represent.

## CHAPTER 3 – RESULTS/DISCUSSION

This chapter is concerned with the results of the mail survey that was sent to 241 municipalities across Canada. In most sections results are broken down by province/territory and municipality size.

### 3.1 PLANNING ACTIVITIES

It was necessary to first assess the extent to which municipalities are currently involved in the planning process before the potential delegation of additional planning responsibilities to municipalities was considered. While the earlier review of planning legislation assisted in outlining the planning authorities in each of the provinces and territories, the attitudes towards these planning activities at the municipal level also needed to be addressed. Consequently, the extent of planning in municipalities was investigated along with any perceived impacts, advantages and disadvantages of key planning instruments for the municipality.

#### 3.1.1 Perceived advantages/disadvantages of Community Plans

A community plan, which is referred to differently in each of the provinces and territories, is the official planning policy document that outlines planning and development for a municipality. In this study, 95.4%<sup>1</sup> of the municipalities stated that their municipality had prepared and adopted a community plan<sup>2</sup>. When these municipalities were asked to list any positive benefits that the municipality derives from this key planning instrument, the two most frequently mentioned benefits were that it "Provides objectives and direction" (68.4%) and that it "Provides guided and controlled development" (53.5%) (See Appendix II). Consequently, it appears the document was perceived to be beneficial largely for the policy orientation that it provided.

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<sup>1</sup> Percentages are based on weighted values. With the exception of results discussed at the municipal level within a province (some of the findings in chapter 3 and findings discussed in chapter 4), results presented in the report are based on weighted values.

<sup>2</sup> This included those municipalities in specific provinces that had stated that they had prepared and adopted a basic planning statement as opposed to their province's version of a Community Plan.

While advantages of this main planning tool were analyzed, the question of potential disadvantages of this document for the municipality were also considered. Overall, 34.5% of those who answered the question concerned with disadvantages said they felt that there were disadvantages for their municipality as a result of their community plan. The most frequently mentioned disadvantages were those concerned with making changes to this planning document. In this area 46.5% mentioned that "changing/amending the plan was difficult and/or time consuming". The frequency of this response may be associated with the fact that by-laws, in most provinces and territories, must conform to the community plan. In addition, amendments to community plans must be approved by the provincial/territorial authority in many of the provinces/territories. The issue of delegation of authority in this area of approval authority of amendments to Plans seems to be raised here with a significant number of municipalities seeing this as a concern.

### 3.1.2 Attitudes towards planning legislation and consultation

As well as investigating the attitudes of municipalities towards their community plans, attitudes towards more general planning processes needed to be investigated prior to the potential delegation of planning responsibilities. When municipalities were given the statement (CONSULT) "There is sufficient consultation amongst the various levels of government in planning matters", 54.9% of respondents indicated that they disagreed with this statement. There was no statistically significant relationship between population size and responses to this statement. However, when the responses of municipalities to this statement were assessed by province/territory it was found that municipalities in Québec were highest, 81.8% (18), in their disagreement that there was sufficient consultation amongst the various levels of government (See Table 6). When Québec was compared against all other provinces and territories, a statistically significant correlation was found to exist. Rates of disagreement with this statement, CONSULT, were lowest in Manitoba at 17.6% (3) and P.E.I at 28.6% (2).

TABLE 6

**ATTITUDES TOWARDS PLANNING LEGISLATION (LEGISLAT)<sup>1</sup>  
AND THE CONSULTATION OF GOVERNMENTS REGARDING PLANNING  
MATTERS (CONSULT)<sup>2</sup>**

<u>Province/Territory</u>	<u>Legislat</u>		<u>Consult</u>	
	<u>% Yes</u>	<u>n Yes</u>	<u>% Disagree</u>	<u>n Yes</u>
Prince Edward Island	28.6%	2	28.6%	2
Newfoundland	37.5%	3	62.5%	5
New Brunswick	71.4%	5	54.5%	6
Nova Scotia	50.0%	5	46.2%	6
Quebec	78.3%	18	81.8%	18
Ontario	82.8%	24	50.0%	16
Manitoba	68.8%	11	17.6%	3
Saskatchewan	41.7%	5	41.7%	5
Alberta	57.9%	11	42.1%	8
British Columbia	78.3%	18	47.8%	1
Northwest Territories	80.0%	4	50.0%	3
Yukon Territory	66.7%	2	40.0%	2
National Average*	74.8%		54.9%	

\* National averages are based on weighted values.

\*\* In all cases percentages represent the percentage of municipalities that responded to a particular question. Those municipalities who provided no responses in these areas were not included in the calculations.

As attitudes towards the various aspects of the planning process were assessed, it was felt that attitudes towards the legislation that regulates planning activities must also be considered. When attitudes towards present planning legislation were investigated, it was found that 74.8% of respondents felt changes needed to be made to the planning legislation in their province/territory. There was a significant positive correlation between feeling that changes needed to be made to the legislation and the size of the municipality. Larger municipalities were more likely to feel that changes needed to be made to the planning legislation in their province. Specifically, 51.9% of

<sup>1</sup>LEGISLAT = " Do you think that any changes need to be made to the planning legislation in your province or territory?"

<sup>2</sup>CONSULT = " There is sufficient consultation amongst the various levels of government in planning matters."

those municipalities with 1,000-9,999 inhabitants felt that changes needed to be made in comparison with 74.7% in 10,000-49,999, 100.0% in 50,000-99,999, 96.6% in 100,000-499,999 and 100.0% in the largest municipalities which had 500,000 or more people. Table 6 presents the breakdown of these municipalities by province/territory which lends further support to the findings in this area. Ontario with 82.8% (24), Québec with 78.3% (18) and British Columbia with 78.3%, the three provinces with the largest number of large municipalities, also had the highest proportions agreeing that changes needed to be made to the planning legislation in their province.

In the area of attitudes regarding the planning process, the question "In the last 15 years what changes in the planning process in your province/territory have had the greatest impact on your municipality?" generated a wide variety of responses. The top four in frequency included: "Delegation of approval authority to local council/region" 17.8%, "greater public participation" 14.7%, "Greater local involvement" 13.2%, and "Less involvement from the Province" 10.5%.

### **3.2 CURRENT PLANNING RESOURCES**

Questions in this area assessed the present resource situation of municipalities and their potential capacity for increased planning responsibilities. These issues were of interest in order to assist in determining anticipated resource needs of municipalities in the event of the future delegation of planning responsibilities. While the review of the planning process and planning legislation in the provinces and territories suggests the potential for increased delegation of planning responsibilities, especially in less populated provinces and territories, the issue of the capacity to handle any increased responsibility needed to be addressed. Consequently, in all provinces and territories, the potential for increased delegation can be considered only along with any present and anticipated future resource needs.

#### **3.2.1 Planning staff in municipalities**

In the area of present planning resources, issues regarding the present number of planning staff and the reliance on provincially/territorially-employed planners to provide planning assistance in municipalities were addressed. The majority of the municipalities (65.7%) indicated that they had full-time professional planning staff. Of this group 28.7% stated that they had only one full-time person and 63.3% indicated that they had five or less full-time professional planning staff.

**TABLE 7**  
**PLANNING STAFF BY PROVINCE/TERRITORY**

<u>Province/Territory</u>	<u>Professional Planning Staff</u> <sup>1</sup>		<u>Provincial/Territorial Planning Assistance</u> <sup>2</sup>	
	<u>% Yes</u>	<u>n Yes</u>	<u>% Yes</u>	<u>n Yes</u>
Prince Edward Island	14.3%	1	100.0%	7
Newfoundland	22.2%	2	55.6%	5
New Brunswick	44.4%	4	40.0%	4
Nova Scotia	61.5%	8	33.3%	4
Québec	65.2%	15	50.0%	11
Ontario	78.1%	25	6.5%	2
Manitoba	18.8%	3	87.5%	14
Saskatchewan	33.3%	4	75.0%	9
Alberta	52.6%	10	50.0%	9
British Columbia	73.9%	17	question not asked	
Northwest Territories	16.7%	1	83.3%	5
Yukon Territory	25.0%	1	75.0%	3
National Average	65.7%		33.2%	

**\*\* Note:** In all cases percentages represent the percentage of municipalities that responded to a particular question. Those municipalities who provided no responses in these areas were not included in the calculations.

Table 7 presents the analysis of the proportion of municipalities in each province/territory that employ full-time planning staff. Ontario, at 78.1% (25), and British Columbia, at 73.9% (17), were the provinces with the largest proportion of municipalities employing full-time planners. Table 8 shows, as would be expected, that the smallest municipalities are the ones least likely to employ full-time professional planning staff. In order not to make the assumption that those municipalities who had no planning staff were in need of planning resources, those municipalities were asked, "Is there sufficient planning work in your municipality for a full-time planner?". Only 14.0% of those municipalities not currently employing full-time professional planning staff said "Yes". This suggested that the majority of those municipalities without planning staff did not require their own planner based on their present planning activities.

<sup>1</sup> Question: Does your municipality employ full time professional planning staff?

<sup>2</sup> Question: Does your municipality rely on province or territory employed planners to provide planning assistance?



planning work in your municipality for a full-time planner?". Only 14.0% of those municipalities not currently employing full-time professional planning staff said "Yes". This suggested that the majority of those municipalities without planning staff did not require their own planner based on their present planning activities.

**TABLE 8**  
**PLANNING STAFF BY POPULATION OF MUNICIPALITY**

<u>Municipality Population</u>	<u>Professional Planning Staff<sup>1</sup></u>		<u>Provincial/ Territorial Planning Assistance<sup>2</sup></u>	
	<u>% Yes Weighted</u>	<u>% Yes Unweighed</u>	<u>% Yes Weighted</u>	<u>% Yes Unweighed</u>
1,000-9,999	29.7%	19.2% (14)	49.1%	76.1% (51)
10,000-49,999	72.5%	63.2% (36)	29.7%	42.6% (20)
50,000-99,999	94.8%	94.1% (16)	6.0%	9.1% (1)
100,000-499,999	100.0%	100.0% (17)	18.2% *	7.1% (1)
500,000+	100.0%	100.0% (8)	-----	-----

\* Note: One case among 14 cases whose weighted value in this particular subsample was significantly high.

\*\* Note: In all cases percentages represent the percentage of municipalities that responded to a particular question. Those municipalities who provided no responses in these areas were not included in the calculations.

<sup>1</sup> Question: Does your municipality employ full time professional planning staff?

<sup>2</sup> Question: Does your municipality rely on province or territory employed planners to provide planning assistance?

Analyses indicate a significant proportion of those municipalities which do not employ professional planning staff are helped with their planning needs by the province/territory. Forty three percent of these municipalities indicated they receive planning assistance from their territory or province. Table 7 shows that municipalities in some of the provinces rely on provincial planners in a greater proportion than others. Only 6.5% (2) of municipalities from Ontario reported that they relied on their province/territory for planning help. By contrast, 75.0% (9) of municipalities in Saskatchewan, 87.5% (14) in Manitoba and 100.0% (7) of municipalities in P.E.I. replied that they relied on planners employed by their province/territory.

An investigation into the planning resources of municipalities by population discloses the expected relationship between size and planning resources. There was a strong statistically significant positive correlation between municipality size and employing professional planning staff. This means that, as the size of a municipality increases, the likelihood of it employing full-time professional planning staff also increases. In addition, a strong negative correlation was found between municipality size and reliance on the province/territory for planners. As expected, the less populated the municipality, the more likely it is to rely on provincial planners. Only 29.7% of municipalities with 1,000 to 9,999 residents had planning staff (See Table 8). They were also the group that was the most reliant on their province or territory for planning assistance (49.1%). By contrast, 94.8% of municipalities with 50,000 to 99,999 people had full-time professional planning staff. This may suggest that, if increased planning responsibilities were transferred to these smaller municipalities, additional assistance by the province/territory and/or the hiring of planning staff by the municipality might have to be considered.

### 3.2.2 Additional planning resources and training required by municipalities

On the topic of current resources, municipalities were also asked to indicate the extent to which they agreed or disagreed with the statement "At present this municipality has sufficient resources to enable it to approve master plans". Of those municipalities that were asked this question only 48.9%<sup>1</sup> agreed with this statement. A significantly larger proportion of municipalities, 66.9%<sup>2</sup> agreed to some degree that "At present this municipality has sufficient staff resources and administrative capabilities to enable it to administer and enforce planning by-laws".

**TABLE 9**  
**PRESENT PLANNING RESOURCE NEEDS OF CANADIAN MUNICIPALITIES<sup>3</sup>**

<u>Resource</u>	<u>% of respondents that mentioned specific resource<sup>4</sup></u>	
	<u>Weighted</u>	<u>Unweighed</u>
i) Increase in staff	37.6%	29.4% (42)
ii) Money/Funding	24.2%	21.6% (31)
iii) Computerized Systems (including GIS)	20.8%	16.8% (24)
iv) Additional Planning Staff	12.8%	14.0% (20)
v) Own Planner/Planning Staff	5.4%	9.1% (13)
vi) More planning assistance from province/territory	7.0%	7.0% (10)
vii) No resources needed	12.9%	14.0% (20)
viii) Other	12.2%	14.0% (20)

- 
- <sup>1</sup> New Brunswick, Québec and Alberta were not asked this question.
- <sup>2</sup> New Brunswick, Québec, Manitoba and British Columbia were not asked this question.
- <sup>3</sup> Question: What resources does your municipality need to better carry out its present planning responsibilities?"
- <sup>4</sup> Number of municipalities that mentioned this particular planning resource is needed. Percentages do not add up to 100 as multiple responses were allowed.

Municipalities were also asked about the types of planning resources or additional training in planning areas they currently required. These questions were designed to assess some of the specific resource requirements to be provided even prior to delegation of planning responsibilities. Municipalities were asked, "What resources does your municipality need to carry out its present planning responsibilities?". The most frequently mentioned resource was an "Increase in Staff" (See Table 9). This was mentioned by 37.6% of municipalities who answered this question. Money/funding come next in terms of frequency as 24.2% of municipalities listed this as a resource currently needed. Computerized systems (including Geographic Information Systems) were named by 20.8% of municipalities.

When these resource needs were analyzed by municipal population size, it was found that an increase in staff was indicated as a resource need by both larger and smaller municipalities, 1,000-10,000 (43.3%), 10,000-49,999 (50.3%) and 100,000-499,999 (40.7%). The lack of a simple relationship between population size and resource needs was supported by the statistical tests for correlations between the population of a municipality and each of the resource needs of an "increase in staff", and "Money and funding". These analyses revealed no statistically significant relationship between municipality size and each of these two resource needs.

In the area of present resource needs, municipalities were also asked whether their municipality needed additional training in any planning area. In total 55.3% of municipalities responded "yes". There was no statistically significant relationship found between the municipality's population size and whether it indicated it required additional training in some planning area. More specifically 57.6% of those municipalities that required additional training mentioned "Workshops for existing planning staff" as one example. Furthermore 15.5% of these municipalities also stated "Planning training for elected officials" as an area where their municipality required additional training. The third most frequently mentioned area was training in the interpretation of the planning act in their province/territory. This was mentioned by 12.6% of those who answered this question. The responses to this and earlier questions in the area of resources required may be taken as suggestions for improvements necessary to assist present planning activities before any attempt to transfer increased planning responsibilities to municipalities is considered.

### 3.3 DELEGATION OF PLANNING RESPONSIBILITIES (See Table 2)

As the chief purpose of the survey was to assess attitudes towards the increased delegation of planning responsibilities to municipalities, questions directly related to this issue were included in the questionnaire. One key objective in this area was to assess the variation in the desirability of and the perception of the issue of the delegation of planning responsibilities. The review of the planning legislation suggests that the potential for planning responsibilities to be transferred to municipalities may be great as a result of the present amount of planning authority a municipality in a given province/territory has. However, it is necessary to first assess the attitudes of municipalities towards any increased delegation of planning responsibilities since they are the ones affected by this possible delegation.

#### 3.3.1 Attitudes regarding the desirability of increased delegation of planning responsibilities

Municipalities were asked "Do you feel that increased delegation of planning responsibilities to municipalities in (specific province/territory) is desirable ?"(DESDELEG) Of the 138 municipalities<sup>1</sup> that responded to this question, 70.2% responded that this increased delegation would be desirable. When this area was further investigated, it was found that there was no statistically significant correlation between municipality population size and wanting increased delegation of planning responsibilities. It would have been expected that the more highly populated municipalities, with more planning activities, might be more likely to feel that they would benefit from and have the resources for increased planning responsibilities. These results provide some evidence that the desire for increased planning authority exists in various sized municipalities.

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<sup>1</sup> This question was not included in the questionnaire directed to municipalities in British Columbia as the planning process in this province was perceived to be already decentralized.

In order to determine whether there were differences in attitudes regarding the desire for increased delegation by the occupational position of the respondent, responses were investigated in this area<sup>1</sup>. It was found that 71.7% of Planners/Directors of Planning, 63.7% of Administrative Officers and 58.2% of Town/Municipal Clerks felt increased delegation to municipalities in their province/territory was desirable. However, the differences between these occupational groups were not significantly different from what would have been expected.

**TABLE 10**  
**DESIRE FOR INCREASED DELEGATION**  
**OF PLANNING RESPONSIBILITIES BY PROVINCE/TERRITORY<sup>2</sup>**

<u>Province/Territory</u>	<u>% Yes</u>	<u>n Yes</u>
Prince Edward Island	28.6%	2
Newfoundland	44.4%	4
New Brunswick*	-----	--
Nova Scotia	53.8%	7
Québec	81.8%	18
Ontario	77.4%	24
Manitoba	58.8%	10
Saskatchewan	36.4%	4
Alberta	35.3%	6
British Columbia*	-----	--
Northwest Territories	66.7%	4
Yukon Territory	75.0%	3

ICURR Intergovernmental Committee on Urban  
and Regional Research  
Comité intergouvernemental de recherches  
urbaines et régionales

\* This question was not included in the questionnaire for these provinces.

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- <sup>1</sup> See Section 2.1.2 for a breakdown of the sample by the occupation position of the respondent.
- <sup>2</sup> Question: "Do you feel that the increased delegation of planning responsibilities to municipalities in your province/territory is desirable?"

When attitudes addressing the desirability of increased planning responsibilities for municipalities were investigated for each province/territory, certain provinces were found to be unique in this area (Table 10). In Québec 81.8% (18) and in Ontario 77.4% (24) of municipalities responded that increased delegation of planning responsibilities to municipalities was desirable. The high proportion in these provinces expressing this attitude cannot be attributed merely to municipal population size. Even the less-populated Yukon Territory, while representing a very small share of the sample, had a large proportion of responding municipalities indicating that increased delegation was desirable, 75.0% (3). However, municipalities which currently employ full-time professional planning staff were more likely to feel increased delegation of planning responsibilities to municipalities in their province was desirable. This may reflect the relationship between the present planning resource situation of municipalities and their attitudes regarding increased planning pressures on these existing resources. Lastly, those municipalities that felt that the increased delegation of planning responsibilities was desirable (DESDELEG) were more likely to agree that their municipality would benefit from greater control over planning matters (CONTROL).

### 3.3.2 Perceptions regarding the priority of delegation of planning responsibilities as an issue

TABLE 11  
ATTITUDES TOWARDS THE PRIORITY OF THE DELEGATION  
OF PLANNING RESPONSIBILITIES AS AN ISSUE<sup>1</sup>

<u>Response</u>	<u>Weighted</u>	<u>Unweighted</u>
Strongly Disagree	9.9%	8.8% (14)
Disagree	29.0%	23.3% (37)
Slightly Disagree	13.8%	13.8% (22)
Slightly Agree	17.0%	20.1% (32)
Agree	26.3%	30.9% (49)
Strongly Agree	4.2%	3.1% ( 5)

<sup>1</sup> Respondents were asked the extent to which they agreed or disagreed with the statement "Delegation of planning responsibilities in (specific province/territory) is not an issue of immediate concern" (CONCERN).

While attitudes regarding the desirability of the delegation of planning responsibilities were investigated, the perception of the priority of this issue was of equal concern. Of the 159 municipalities responding to this statement, a slight majority, 52.7%, disagreed to some extent that "Delegation of planning responsibilities in their province or territory is not an issue of immediate concern" (CONCERN). More specifically, 9.9% of respondents strongly disagreed with this statement. Nevertheless, a significant proportion of municipalities, 47.3%, suggested that this was not a priority issue for their municipality, as they agreed to some extent with the statement. When attitudes in this area were investigated by population size of the municipality, no one population group stood out. Percentages for the population groups vary from 43 to 55 percent of each group who agreed to some degree that the delegation of planning responsibilities was not an issue of immediate concern". Analysis of variance tests found that there were no statistical differences between these population groups.

**TABLE 12**  
**PROVINCIAL/TERRITORIAL ATTITUDES TOWARDS THE**  
**PRIORITY OF THE DELEGATION OF PLANNING RESPONSIBILITIES**  
**AS AN ISSUE (CONCERN)**

<u>Province/Territory</u>	<u>Disagree</u>		<u>Agree</u>	
	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>
Prince Edward Island	57.1%	4	42.9%	3
Newfoundland	37.5%	3	62.5%	5
New Brunswick	36.4%	4	63.6%	7
Nova Scotia	38.5%	5	61.5%	8
Québec	69.6%	16	30.4%	7
Ontario	46.9%	15	53.1%	17
Manitoba	35.3%	6	64.7%	11
Saskatchewan	30.0%	3	70.0%	7
Alberta	26.3%	5	73.7%	14
British Columbia	75.0%	6	25.0%	2
Northwest Territories	66.7%	4	33.3%	2
Yukon Territory	40.0%	2	60.0%	3
National Average	52.7%		47.3%	

**\*\* Note:** In all cases percentages represent the percentage of municipalities that responded to a particular question. Those municipalities who provided no responses in these areas were not included in the calculations.



Potential differences in the perception of the priority of the issue of the delegation of planning responsibilities to municipalities in different provinces/territories were also investigated. Québec and British Columbia indicated that the delegation of planning responsibilities to municipalities in their province is an issue that should be given some priority. In Québec 69.9% (16) and in British Columbia<sup>1</sup> 75.0% (6) of respondents stated that they disagreed with the statement "Delegation of planning responsibilities in this province/territory is not an issue of immediate concern" (Table 12). Conversely, the issue of delegation of planning responsibilities was not perceived as a priority issue in the provinces of Saskatchewan and Alberta, where the largest proportion of municipalities agreed that the delegation of planning responsibilities was not a priority issue in their province (Alberta 73.7% (14) and Saskatchewan 70.0% (7)).

The relationship between those municipalities who felt that the increased delegation of planning responsibilities was desirable and those who felt that the delegation of planning responsibilities was an issue of immediate concern was also investigated (See Appendix III). Upon investigation a significant negative relationship was found to exist, with municipalities who felt that delegation was desirable being more likely to disagree that the delegation of planning responsibilities was not an issue of immediate concern.

### 3.3.3 Attitudes towards current delegation of planning responsibilities

While general attitudes regarding the perception of the desirability and priority of the delegation of planning responsibilities to municipalities were investigated, more specific attitudes regarding the perception of the current planning authority of municipalities were analyzed. Specifically responses to the statement "The authority that our municipality presently has in the planning process is adequate" (AUTHADEQ) were assessed. Overall 58.9% of municipalities in the sample were in agreement with this statement. This suggests that the majority of municipalities surveyed are satisfied with the amount of control that their municipalities had regarding planning activities.

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<sup>1</sup> This question was included in the questionnaires of regional districts only in the province of British Columbia.

**TABLE 13**  
**ATTITUDES REGARDING THE ADEQUACY OF PRESENT**  
**AUTHORITY IN THE AREA OF PLANNING<sup>1</sup>**

Province	<u>% Agree</u>	<u>n Agree</u>
Prince Edward Island	100.0%	7
Newfoundland	37.5%	3
New Brunswick	81.8%	9
Nova Scotia	63.6%	7
Québec	65.2%	15
Ontario	45.2%	14
Manitoba	70.6%	12
Saskatchewan	75.0%	9
Alberta	83.3%	15
British Columbia <sup>2</sup>	-----	---
Northwest Territories	83.3%	5
Yukon Territory	80.0%	4
National Average	58.9%	

When attitudes in this area were investigated by province, two were exceptional in their attitudes in this area. Ontario with 45.2% (14) and Newfoundland with 37.5% (3) were the only two provinces where the majority of municipalities were not in agreement with the statement "The authority that this municipality had in the planning process is adequate" (See Table 13). Analyses of variance results disclosed that the mean score for Newfoundland was significantly different from all other provinces and territories, except Ontario, (See Appendix IV). P.E.I. was the province where municipalities responded with the highest agreement to this statement with all of the municipalities who responded, 100.0% (7) indicating that they agreed to some extent with this statement.

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<sup>1</sup> Respondents were asked to indicate the extent to which they agreed or disagreed with the statement "The authority that our municipality presently has in the planning process is adequate".

<sup>2</sup> This question was not included in the questionnaires directed towards municipalities and regional districts in B.C.

**TABLE 14**  
**ATTITUDES REGARDING THE ADEQUACY OF PRESENT AUTHORITY**  
**IN THE AREA OF PLANNING (AUTHADEQ) BY POPULATION OF MUNICIPALITY**

<u>Municipality Population</u>	<u>% Yes Weighted</u>	<u>% Yes Unweighed</u>
1,000-9,999	62.7%	69.7% (46)
10,000-49,999	68.4%	75.0% (36)
50,000-99,999	48.5%	45.5% ( 5)
100,000-499,999	61.1%	50.0% ( 7)
500,000+	40.9%	50.0% ( 4)

An examination of attitudes in this same area by the population size of the municipality does not reveal a clear pattern by community size (See Table 14). Indeed, no statistically significant relationship was found between population size and attitudes in this area.

Attitudes in this area were found to be significantly related to attitudes regarding the perception of the delegation of planning responsibilities as desirable and the perception of the delegation of planning responsibilities as a priority (See Appendix III). Those municipalities who agreed that the authority that their municipality presently has in the planning process is adequate (AUTHADEQ) were less likely to agree that their municipality would benefit from greater control over planning matters (CONTROL). A negative relationship also existed between AUTHADEQ and DESDELEG in that municipalities who felt that increased delegation of planning responsibilities to municipalities was desirable were less likely to agree that the authority that their municipality presently had in the planning process was adequate.

**TABLE 15**  
**ATTITUDES REGARDING MAUTHOR1, MAUTHOR2 AND CONTROL<sup>1</sup>**

Response	<u>MAUTHOR1</u>		<u>MAUTHOR2</u>	
	<u>Weighted</u>	<u>Unweighed</u>	<u>Weighted</u>	<u>Unweighed</u>
Strongly Disagree	2.5%	2.8% ( 4)	5.8%	5.8% ( 6)
Disagree	16.0%	18.3% (26)	14.2%	20.4% (21)
Slightly Disagree	11.7%	10.6% (15)	6.1%	10.7% (11)
Slightly Agree	26.7%	25.3% (36)	31.3%	23.3% (24)
Agree	25.9%	23.3% (33)	24.9%	23.3% (24)
Strongly Agree	17.2%	19.7% (28)	17.6%	16.5% (17)
	-----	-----	-----	-----
	100.0%	100.0%(142)	99.9%	100.0%(103)

Response	<u>CONTROL</u>	
	<u>Weighted</u>	<u>Unweighed</u>
Strongly Disagree	2.2%	1.8% (3)
Disagree	13.2%	12.7% (21)
Slightly Disagree	6.6%	13.3% (22)
Slightly Agree	24.6%	27.2% (45)
Agree	42.3%	33.9% (56)
Strongly Agree	11.1%	11.0% (18)
	-----	-----
	100.0%	99.9%(165)

Attitudes regarding the desire to have more planning authority in specific planning areas were also investigated (See Table 15). In the questionnaire, municipalities in provinces/territories who did not have approval authority in the area of Community Plans or subdivision control were asked to express the degree to which they agreed or disagreed with each of the following statements:

- 1) MAUTHOR1= "This municipality would like more planning authority in the area of Master Plans".
- 2) MAUTHOR2= "This municipality would like more authority in the area of Subdivision Control".

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<sup>1</sup> Respondents were asked to indicate the extent to which they agreed or disagreed with each of the following statements:

- i) mauthor1 - "This municipality would like more planning authority in the area of Master Plans.
- ii) mauthor2 - "This municipality would like more planning authority in the area of subdivision control".
- iii) control - "Our municipality would benefit from greater control over planning matters".

Overall, 69.8% of municipalities agreed to some degree that their municipalities want more authority in the area of Master Plans. More specifically, 17.2% of municipalities who were presented with this statement indicated that they strongly agreed with it. Only 2.5% of municipalities indicated that they were in strong disagreement with this statement (See Table 15). In the area of subdivision control, 73.8% of municipalities were in agreement that their municipality wanted more authority in this area. More specifically, 17.6% disclosed that they strongly agreed with this statement. In the sample, attitudes regarding the desire for more authority in each of the two planning areas were found to be positively related and statistically significant (See Appendix III). This meant that those municipalities that agreed with MAUTHOR1 were more likely to also agree with MAUTHOR2 ( $r = .5043, p < .001, N = 87$ ).

TABLE 16  
ATTITUDES REGARDING MAUTHOR1, MAUTHOR2 AND CONTROL<sup>1</sup>  
BY PROVINCE/TERRITORY

<u>Province/Territory</u>	<u>MAUTHOR1</u>		<u>MAUTHOR2</u>		<u>CONTROL</u>	
	<u>Agree</u>		<u>Agree</u>		<u>Agree</u>	
	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>
Prince Edward Island	28.6%	2	28.6%	2	14.3%	1
Newfoundland	75.0%	6	-----	---	75.0%	6
New Brunswick	-----	---	-----	---	-----	---
Nova Scotia	84.6%	11	84.6%	11	76.9%	10
Québec	68.2%	15	-----	---	78.3%	18
Ontario	73.3%	22	85.7%	24	87.5%	28
Manitoba	58.8%	10	47.1%	8	64.7%	11
Saskatchewan	56.6%	8	45.5%	5	75.0%	9
Alberta	-----	---	46.7%	7	63.2%	12
British Columbia	63.6%	14	-----	---	65.2%	15
Northwest Territories	83.3%	5	66.7%	4	83.3%	5
Yukon Territory	80.0%	4	80.0%	4	80.0%	4
National Average	69.8%		73.8%		78.0%	

<sup>1</sup> See footnote 1 in Table 15.

When responses to the above statements were investigated by province/territory, several provinces or territories stood out in various areas. With respect to wanting authority in the area of community plans, Nova Scotia (84.6%), the N.W.T. (83.3%) and Yukon (80.0%) represent the provinces and territories with the largest proportion of municipalities agreeing that their municipality would like more authority in the area of community plans (See Table 16). However, an analysis of variance disclosed that no significant differences were found between each of these groups and the group of all other provinces and territories in this attitude area.

In the area of subdivision control, Ontario (85.7%) and Nova Scotia (84.6%) had significantly larger proportions of municipalities agreeing to some degree with the statement that their municipality would like more authority in the area of subdivision approval. When analyses of variance were conducted to test for statistically significant differences between groups it was found that Ontario<sup>1</sup> significantly different from all other provinces and territories, except Nova Scotia. In both the areas of wanting authority in the area of community plans and subdivision control, P.E.I. was the only province/territory without a majority of municipalities in agreement with this statement.

#### 3.3.4 Perceived benefits/costs of increased delegation of planning responsibilities

In the area of delegation of planning responsibilities, attitudes towards the perceived benefits of increased planning responsibilities for municipalities were investigated by asking municipalities to indicate the extent to which they agreed or disagreed with the statement: "Our municipality would benefit from greater control over planning matters" (CONTROL). Overall, an overwhelming majority, 78.0% of municipalities, responded that they were in agreement with this statement. Furthermore, 11.1% of municipalities indicated that they were in strong agreement with this statement. Consequently, while it was earlier assessed that a significant percentage of municipalities (47.3%) did not feel that the delegation of planning responsibilities to their province was "an issue of immediate concern" the majority still felt that greater control in planning matters would benefit their municipality. Table 16 discloses that the only provincial/territorial exception where the majority of respondents were not in agreement with the statement was Prince Edward Island. In P.E.I. only 14.3% (1) of municipalities agreed that their municipality would benefit from greater control over planning matters.

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<sup>1</sup> Utilizing the Scheffe test for differences between group means, significant differences between Ontario and all other provinces and territories, except Nova Scotia, were found at the .05 level.

While attitudes towards the desirability of increased delegation of planning responsibilities were investigated, attitudes towards costs that would be associated with this transfer of responsibilities were also addressed. Municipalities were asked "Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers?". In total, 71.6% of municipalities that were asked this question responded that higher costs would be a major deterrent for their municipality. When these attitudes were investigated by province/territory, it was found that, in every province/territory, a majority of municipalities indicated higher costs would be a deterrent to support in the area of increased delegation of planning powers (See Appendix V). Lastly, while 37.0% of those municipalities with populations greater than 500,000 people said that higher costs would be a deterrent, approximately 75.0% of those municipalities with populations between 1,000 and 9,999 indicated that higher costs would be a deterrent (See Appendix VI). However, the negative relationship between population size and the perception of higher costs as a deterrent to supporting increased delegation of planning responsibilities was not statistically significant.

When the municipalities who had responded that higher costs would be a deterrent to their municipality's support regarding increased delegation of planning powers were investigated further, it was found that they were specific in their concerns regarding costs. The three costs mentioned most frequently as being of greatest concern were: Increased staff costs/wages 66.3%, the cost of processing applications 11.1% and additional office space 3.9%. The municipalities were also asked who should pay for the transfer of planning responsibilities, if it did occur. In this area a slightly larger proportion stated that the municipality should pay for the transfer to the municipalities<sup>1</sup>. Of those municipalities that were asked, 37.5% indicated that the municipality should pay, 32.0% said the Provincial/Territorial government should pay, and 15.8% felt that the cost of transferring the planning responsibilities should be shared between the Provincial/Territorial government and the municipality<sup>2</sup>. Consequently, although the majority of municipalities indicated that higher costs associated with the increased delegation of planning responsibilities would be a major deterrent for their municipalities, there was not a majority agreement that the Province/Territory should cover any potential costs.

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<sup>1</sup> This question was not included in the questionnaires for all of the provinces and territories.

<sup>2</sup> This question was not included in the questionnaires for the provinces of New Brunswick, Nova Scotia and British Columbia.

### 3.4 SUMMARY/CONCLUSIONS

While the evaluation of the planning processes and legislation of each of the provinces and territories may have disclosed the variation in the potential for devolution of planning among the provinces and territories, an assessment of the attitudes of each province and territory towards the issue was necessary in order to evaluate the sentiments of municipalities who could be significantly affected by any delegation. The survey found that the majority of municipalities feel the increased delegation of planning responsibilities to municipalities is desirable. Furthermore, it was found that this desire for increased planning authority exists in various sized municipalities. In addition, this agreement is more prevalent in particular provinces, especially Ontario and Québec.

Not only do the majority of municipalities surveyed across Canada want increased delegation, but they also believe it is an issue of immediate concern. However, it was disclosed that several provinces, Alberta and Saskatchewan in particular, agree that the delegation of planning responsibilities is not a priority issue in their provinces, nor do they feel that increased delegation is desirable. Survey results showed that, although the majority of municipalities may want increased planning authority, the majority also agree that current municipal authority is adequate. This suggests that the majority of municipalities surveyed are satisfied with the amount of control their municipalities currently have regarding planning activities. In Ontario and Newfoundland, however, the majority of municipalities do not feel the current level of control is adequate.

When attitudes regarding the desire to have more planning authority in specific planning areas were investigated, it was found that the majority of municipalities agree that they want more authority in each of the areas of community plans and subdivision control. However, P.E.I. is the only province where the majority of municipalities do not want more authority in either community plans or subdivision control.



Even if, overall, the provinces/territories felt that the increased delegation of planning responsibilities is desirable, the variation in the amount of planning resources available in each of the provinces/territories means that the issue of the capacity to handle any increased responsibilities is an issue that has to be addressed. In particular, only a small proportion of municipalities in the Atlantic and Prairie provinces disclosed that they employ their own full-time planning staff. Consequently, they rely heavily on provincial planning staff. In addition, the most frequently mentioned planning resource that municipalities currently need is an increase in staff. Consequently, it is apparent that a transfer of planning responsibilities to municipalities cannot be considered without taking into consideration the present planning resource needs so that any deficits in these areas do not simply become magnified.

Just as planning processes and legislation vary across the country, attitudes regarding increased delegation of planning responsibilities to municipalities vary across these provinces and territories. Municipalities in Ontario and Québec stand out as most interested in the issue of the reallocation of planning responsibilities. Generally, municipalities in these two provinces feel that they need more control in the planning process. Meanwhile, municipalities in Prince Edward Island, Saskatchewan and Alberta do not appear to want or perceive the issue of the delegation of planning responsibilities as one of concern. In the other provinces, the proportion of municipalities interested in getting more control of the planning process falls between these two groups.

Findings resulting from specific questions or issues pertaining to particular provinces are presented in the following chapter.

## CHAPTER 4—PROVINCE/TERRITORY SPECIFIC ISSUES

This chapter is concerned with investigating the responses to those questions which were included only in the questionnaires of specific provinces/territories. The contents of these questions were determined both by the present planning authority of municipalities in a particular province/territory and by input from directors of research responsible for planning in each province/territory.

### 4.1 Newfoundland

In the province of Newfoundland planning activities are highly centralized with the Minister of Municipal and Provincial Affairs being the final authority in the case of municipal plans, subdivision control by-laws and zoning by-laws. Nevertheless, when municipalities in Newfoundland were asked whether they would like to be delegated the approval authority in these areas, the majority of municipalities responded that they did not want the approval authority functions. Of the eight municipalities that responded to the question, five (62.5%) said their municipality did not want to have approval authority for municipal plans. In addition, the same proportion, 62.5%, said their municipality did not want to have approval authority for land use zoning and subdivision regulations delegated to them.

These findings, reinforce the results presented in Table 10 and Table 12, which reveal that the majority, 55.6% (5), did not feel increased delegation of planning responsibilities to municipalities was desirable and that the majority, 62.5% (5) agreed it was not an issue of immediate concern. However, the majority, 75.0% (6), still felt that their municipality would benefit from greater control over planning matters. Furthermore, municipalities in Newfoundland, in comparison to all other municipalities in other provinces/territories were lowest in agreement 37.5% (3) that the authority that their municipality presently had in the planning process was adequate.

## 4.2 Prince Edward Island

Land Use Planning in Prince Edward Island is largely under the control of the provincial government. The P.E.I. Land Use Commission is the approval authority for official plans and the Minister of Community and Cultural Affairs is the approval authority for subdivision plans and zoning by-laws. As a result of this centralized planning system, it might be hypothesized that the potential for delegation of planning responsibilities to municipalities in P.E.I. would be great.

An assessment of attitudes of municipalities in this area suggests that, in general, municipalities in P.E.I. are against any increased delegation of planning responsibilities to municipalities. Prince Edward Island stood out amongst all other provinces in this area in that only 28.6% (2) of municipalities felt that increased delegation was desirable. In addition, 100% (7) of municipalities in P.E.I. agreed that the current municipal planning authority was adequate. It might be suggested that this is related to the fact that only one of the municipalities from P.E.I. has professional planning staff, which is directly related to the size of the population of a given municipality. However, it should be recalled that in the overall sample, no significant relationship between size of municipality and attitudes regarding the desirability of increased delegation was found to exist. Consequently, the more negative attitudes of municipalities in P.E.I. cannot be attributed merely to the fact that 85.7% (6) of the municipalities had populations between 1,000 and 9,999. Nevertheless, while municipalities in P.E.I. may not want increased delegation, they do not dismiss it as a priority issue. Over half (57.1%) of municipalities disagreed to some extent with the statement that the delegation of planning responsibilities was not an issue of immediate concern.

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Issues regarding the desire for the delegation of planning responsibilities in specific planning areas were also addressed in the questionnaire constructed for P.E.I. (Table 16). Municipalities in P.E.I. were the only group where the majority did not agree with the statement "This municipality would like more planning authority in the area of Master Plans". Municipalities in P.E.I. also had the lowest proportion of municipalities, 28.6% (2), agreeing that their municipality would like more planning authority in the area of subdivision control. Further evidence of the lack of support for the increased delegation of planning responsibilities to municipalities was that only 14.3% (1) of municipalities agreed that their municipality would benefit from greater control over planning matters.

### 4.3 Nova Scotia

In the province of Nova Scotia, planning remains largely centralized as the Minister approves the municipal planning strategy for each municipality and Ministerial approval in the area of land use by-laws is required. Overall, 53.8% (7) of the municipalities who responded from Nova Scotia feel the present amount of authority that their municipality has in the planning process is adequate. However, the overwhelming majority, 84.6% (11) agreed that their municipality would like more authority in the area of subdivision control. In addition, 69.2 % (9) agreed that their municipality would like more authority in the area of Land-Use by-laws. Earlier analyses (Table 16) also disclosed that 84.6% (11) of municipalities in Nova Scotia agreed that their municipality would like more authority in each of the areas of community plans and subdivision control. Overall, 53.8% (7) of municipalities in Nova Scotia said that the increased delegation of planning responsibilities to municipalities in their province would be desirable.

### 4.4 New Brunswick

In New Brunswick the overwhelming majority, 81.8% (9), of municipalities agreed with the statement "The authority that our municipality presently has in the planning process is adequate".

### 4.5 Québec

Québec's system of planning is similar to that of Ontario's in that there is planning at both the regional, regional county municipalities (RCM), and local levels. When municipalities were given the statement "There is sufficient consultation amongst the various levels of government in planning matters" municipalities in Québec were the highest in disagreement. In total, 81.8% (18) disagreed to some extent that there was adequate consultation. These attitudes may then be behind the high proportion, 81.8% (18) (Table 10), that wanted the increased delegation of planning responsibilities to municipalities and the large proportion, 69.6% (18), that disagreed that the increased delegation of planning responsibilities to municipalities was not an issue of immediate concern. Investigating regional and local municipalities separately, 50.0% (3) of regional county municipalities and 83.3% (10) of local municipalities disagreed with the statement that the increased delegation of planning responsibilities was not an issue of immediate concern.

Of interest in the area of planning in the province of Québec were attitudes of municipalities towards the planning effects and activities of regional county municipalities (RCM). As the legislation creating regional county municipalities came into effect in 1979, the perception of its impact on municipalities had to be addressed. While it may be hypothesized that regional municipalities in general assist in decentralizing the planning process, only 50% (11) of municipalities (both local and regional) said that they agreed with the statement "The establishment of the RCM has had the effect of decentralizing the planning process in Québec". However, there was general agreement, 72.7% (16), that regional planning in Québec speeds up the planning process for local municipalities. When local municipalities were asked whether they wanted to have any of the planning powers of the regional county municipality transferred to their municipality only 7.1% (1) of municipalities responded "Yes".

When local municipalities were asked to list any advantages of being in a RCM, the most frequent response concerned the improved integration, co-operation, and co-ordination of planning activities within the RCM as a result of the dialogue between municipalities. However, as the earlier results disclosed, the majority, 81.8%, of municipalities in Québec, disagreed that there was sufficient consultation between the various government levels in planning matters. When negative effects were investigated, it was found that 28.6% (4) of local municipalities felt there had been a negative impact on their municipality with respect to planning activities as a result of being part of a regional municipality. Some of the responses in this area included more administrative tasks, and that RCM interests did not always reflect the interests/concerns of the individual municipalities.

#### 4.6 Ontario

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In Ontario a two-tier system of planning exists including planning at the local and regional levels. Some initial efforts at decentralizing the planning process have been made as the Minister may delegate the approval authority for local official plans to regional municipalities or counties, while s/he may delegate the approval authority in the area of subdivision plans to qualifying regional or local municipalities.

The municipalities that were surveyed from Ontario had the highest rate of employment of professional planning staff. Over three-quarters of municipalities (78.1%) indicated that they had their own full time planning staff. An additional indication of the higher planning resource level in this province was that only 6.5% of the municipalities used provincial planners for assistance. However, the majority of these municipalities in Ontario, 65.5%, still stated that higher costs would be a deterrent for their municipality favouring the increased delegation of planning responsibilities. Nevertheless, over three quarters 77.4% (24) of municipalities in Ontario felt that the increased delegation of planning responsibilities to municipalities in Ontario was desirable (75% (18) of local

municipalities and 85.8% (6) of regional municipalities). However, when both regional and local municipalities were asked to respond to the statement "The delegation of approval authority in the area of Official Plans should be extended to all municipalities", only 65.6% (21) of municipalities from Ontario indicated that they agreed to some extent with this statement.

### Regional Municipalities

In the study three of the seven regional municipalities in Ontario surveyed indicated that they already had been delegated the approval authority in the area of official plans. Each of these three municipalities disclosed that a faster processing time, greater municipal autonomy, improved community municipal relations and increased demands on staff were some of the effects of this delegation. Furthermore, all of the regional municipalities (four) who had not already been delegated the approval authority said that they would like this approval authority delegated to them. This is consistent with the finding that five of the six regional municipalities who felt that increased delegation was desirable also felt that the most important responsibility that should be delegated was that of official plan approval. However, all of these municipalities added the qualification that this responsibility should be delegated to county or regional municipalities and not to local municipalities.

Seven of the ten regional municipalities responded to the mail questionnaire. Of these 100.0% (7) stated they had already been delegated approval authority for subdivision plans. When the effects of this delegation on these regional municipalities were investigated it was revealed that: 100 % (7) said one result was faster processing times, 85.7% (6) reported increased demands on staff and reported greater municipal autonomy, 66.6% (5) indicated improved community/municipal relations and 42.8% (3) indicated improved integration of municipal and provincial interests. When the overall effects of this delegation were investigated it was disclosed that 7 of 7 (100.0%) of these municipalities felt that the delegation of subdivision approval authority had not resulted in the consumption of too many municipal resources. Lastly, all seven municipalities indicated that the delegation of the authority to approve subdivision plans had an overall positive effect on their regional municipality.

## Local Municipalities

Of those local municipalities in Ontario that felt that the increased delegation of planning responsibilities to municipalities was desirable, 61.1% (11) indicated that subdivision approval was the most important responsibility that should be delegated. Only one-third of these municipalities stated that the approval authority for Official Plans was the most important responsibility that should be delegated to municipalities. Additional findings in this area confirmed these findings suggesting that only a minority of municipalities wanted to have the approval authority for official plans delegated to them.

When local municipalities were asked to respond to the question "Would your municipality like to be delegated the approval authority in the area of official plans" 36.0% (9) of these municipalities responded that they would like to be delegated this authority. Although it might be expected that the nine municipalities wanting this authority would be larger municipalities, three were from each of the population groups (1,000 to 9,999, 10,000 to 49,999 and 50,000 to 99,999).

While local municipalities in Ontario may be delegated approval authority in the area of subdivision plans, only two of the 21 (9.5%) local municipalities that responded indicated they had been delegated this authority. However, of the nineteen that had not yet been delegated this authority, 15 (78.9%) stated that their municipality would like to be delegated the approval authority for subdivision plans. This later finding is consistent with the finding that the majority, 61.1% of local municipalities, felt that the most important responsibility that needed to be delegated was that of subdivision approval.

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### 4.7 Manitoba

In the province of Manitoba, development plans must receive approval from the Lieutenant-Governor in Council upon recommendation by the Minister. Subdivision applications must also receive approval from the Minister. However, this latter authority may be delegated to a district planning board. In Manitoba provincial approval is not a pre-requisite for the enactment of zoning by-laws. All planning instruments in the province must conform to provincial land use policies.

When municipalities were asked to indicate the extent to which they agreed or disagreed with the statement "Individual municipalities should be allowed to become the approving authorities for development plans or planning statements, 50.0% (6) said that they agreed. When each municipality was asked "Would your municipality like to have the approving function for development plans or basic planning statements " 33.3% (4) responded "Yes". When planning districts were investigated, 75% (3) indicated they agreed with the statement that "Planning districts should be allowed to become the approving authorities for development plans/planning statements".

Because provincial land use policies exist in Manitoba, attitudes regarding their role in planning were addressed. Overall, the majority of those communities surveyed in Manitoba, 62.5% (10), were in agreement with the statement that "The Provincial Government requires too much provincial policy to be placed in development plans/basic planning statements".

#### 4.8 Saskatchewan<sup>1</sup>

In the province of Saskatchewan, while Ministerial approval by the appropriate Minister is required for the approval of plans and zoning by-laws, the Minister may delegate approval authority in the area of subdivision control to local municipalities. 70% (7) of municipalities in Saskatchewan agreed with the statement "Delegation of planning responsibilities in Saskatchewan is not an issue of immediate concern". This is consistent with the high proportion, 75.0% (9), who said that the authority their municipality presently has in the planning process is adequate. Furthermore, only 36.4% (4) felt that increased delegation of planning responsibilities to municipalities in Saskatchewan is desirable. However, in the overall sample 59.4% (82) of the municipalities indicated increased delegation is desirable.

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<sup>1</sup> In this study municipalities under the responsibility of the Department of Rural Development were not included. Consequently, only those municipalities under the control of the Department of Urban Affairs in Saskatchewan were eligible to be randomly selected for inclusion in this study.



Of those municipalities from Saskatchewan responding to the survey, 58% (7) indicated they had already been delegated approval authority in the area of subdivision control. When presented with a series of potential effects of this delegation, 100% (7) indicated this delegation results in faster processing time and greater municipal autonomy in the area of subdivision control. While four of the seven said delegation resulted in increased demands on staff, six of seven indicated that overall they did not feel delegation of authority resulted in the consumption of too many municipal resources. Of the five municipalities who responded and did not have approving authority, three indicated that they wanted to be delegated this authority.

When municipalities in Saskatchewan were asked to respond to the statement "The Ministers power to delegate the authority to approve subdivision by-laws should be extended to all municipalities", 67% (8) disagreed with this statement. Of those who disagreed, 38% (3) indicated that they were in strong disagreement with this statement. This may be related to the present resource capacity of municipalities in this province. Only one-third of municipalities indicated they employed full-time professional planning staff while 75% of municipalities from this province said that they rely on provincial planners for assistance.

#### 4.9 Alberta

Alberta falls past the midpoint in terms of the current extent of decentralized planning. The general municipal plan, as well as land use by-laws (zoning by-laws), do not require approval by the provincial authority. In addition, in Alberta the Minister may delegate to municipal council the authority to approve subdivision plans.

In the study, 73.7% (14) of municipalities from Alberta agreed to some extent that "Delegation of planning responsibilities in Alberta is not an issue of immediate concern". More specifically only 35.3% (6) indicated that they felt that "... increased delegation of planning responsibilities to municipalities in Alberta is desirable". Of those municipalities which felt increased delegation was desirable, 71.4% (5) stated the most important responsibility that should be transferred is subdivision approval.

An investigation into those municipalities sampled who already had been delegated approval authority for subdivision control disclosed some of the effects of this delegation. Fifty-three percent (10) of the municipalities from Alberta responding to the survey indicated that they had been delegated subdivision approval. When questioned regarding the effects of this delegation, 80% (8) of these municipalities indicated faster processing time, 90% (9) mentioned greater municipal autonomy, and 70% (7) indicated improved community relations. While 60% (6) also indicated increased demands on staff as a result of the delegation of subdivision approving authority, 100% (10) indicated that overall they did not feel this delegation has resulted in the consumption of too many municipal resources.

#### 4.10 British Columbia

British Columbia is the most decentralized of all of the provinces and territories when it comes to planning activities. Ministerial approval is required only for those community plans which are prepared for regional districts. Consequently, questions, some pertaining to whether municipalities would like to be delegated authority in specific areas, could only be included in the questionnaires directed to regional districts in this province.

##### Regional Districts

Eight of the ten regional districts which received a questionnaire returned it. Of these 75.0% (6) stated that they were in agreement with the statement "Statements regarding provincial interest are so broad that it is difficult for regional districts to identify these interests.". This question was included only in the questionnaire directed to regional districts. In the area of the approval of community plans, representatives of regional districts were asked "Do you feel that the Minister of Municipal Affairs, Recreation and Culture, should no longer have approving authority for regional district community plans?" 62.5% (5) responded "Yes" to this item. Consistent with these results, 75.0% (6) also disagreed that further delegation of planning responsibilities to regional districts was not an issue of immediate concern. British Columbia was the highest and only one of four provinces/territories where the majority were in agreement with this statement.

#### 4.11 Northwest Territories

Five of the six municipalities that responded indicated they did not have full-time professional planning staff. Of these five, three responded there was not sufficient planning work in their municipality for a full-time planner. Regardless of this lack of resources and demand for planning staff, municipalities indicated that they would like more authority in various planning areas. All municipalities agreed to some extent that their municipality would like more planning authority in the area of zoning by-laws.

#### 4.12 Yukon Territory

In Yukon Territory, as outlined in the review of planning legislation, Ministerial approval is required for zoning by-laws, as well Yukon Municipal Board approval is required for community plans. Although the present planning legislation does not allow for the delegation of the approval authority function to incorporated municipalities, these communities were asked whether they would like to be delegated approval authority in this area. Three of the five communities, one band and two municipalities, indicated that they would like to be delegated this approval function.

One indication of efforts which have been made to re-allocate planning responsibilities is that the Minister may delegate subdivision approving authority to local municipalities. In the questionnaire municipalities/bands were asked whether they already had been and/or would like to be delegated the approval authority function for subdivision plans. An assessment of the responses of the sample from Yukon revealed that, of the four<sup>1</sup> communities that had not already been delegated the approval authority for subdivision plans, three did not want to be delegated this authority, one of which was an Indian Band and two of which were municipalities.

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<sup>1</sup> One community from the Yukon responded that it had already been delegated the approval authority function in the area of subdivision plans.

## APPENDIX I

QUESTIONNAIRE FOR ONTARIO

The following questions are concerned with issues related to planning and the allocation of planning responsibilities in the province of Ontario. It is part of a wider national survey aiming at identifying current practices and trends in the field of planning.

PLEASE FILL IN OR CIRCLE THE APPROPRIATE RESPONSE. WHERE APPLICABLE CIRCLE ONLY ONE RESPONSE.

1. Position of Respondent \_\_\_\_\_
2. Province \_\_\_\_\_
3. Name of municipality \_\_\_\_\_
4. Population \_\_\_\_\_ (most recent or 1986 census)
5. Type of municipality
  1. Local
  2. Regional
  3. County
6. Does your municipality employ full time professional planning staff?
  1. Yes (Please state number) \_\_\_\_\_
  2. No

If your answer is no, is there sufficient planning work in your municipality for a full time planner?

1. Yes
2. No

7. Does your municipality presently rely on provincially employed planners to provide planning assistance?

- 1. Yes
- 2. No

8. Is your municipality part of a regional municipality?

- 1. Yes
- 2. No

9. (a) Does your municipality have or is it affected by a regional plan?

- 1. Yes
- 2. No (Go to question 10)

(b) If so, what benefits does the municipality derive from this regional plan?

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(c) Have there been any disadvantages for your municipality as a result of this regional plan?

- 1. Yes
- 2. No

If so, what disadvantages can you identify?

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10. (a) Does your municipality have or is it affected by a county plan?

- 1. Yes
- 2. No (Go to question 11 )

(b) What positive benefits does your municipality derive from this county plan?

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(c) Have there been any disadvantages for your municipality as a result of this county plan?

- 1. Yes
- 2. No

If so, what disadvantages can you identify?



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11. (a) Has your municipality prepared and adopted an official plan?

- 1. Yes
- 2. No (Go to question 11 (d))

11. (b) If so, what positive benefits does the municipality derive from this official plan?

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(c) Have there been any disadvantages for your municipality as a result of this official plan?

- 1. Yes
- 2. No

If so, what disadvantages can you identify?

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(d) If your municipality has not adopted an official plan what are your reasons for this?

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12 (a). Has the approval authority function for official plans been delegated to your municipality?

1. Yes (Go to question 13)
2. No

(b) Would your municipality like to have the approval authority for official plans delegated to it?

1. Yes
2. No (Go to question 18 (a))

(c) What do you feel would be the impact of this delegation for your municipality in this planning area?

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(d) What additional resources do you feel your municipality would require if it was delegated this authority?

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Now go to question 18 (a) \_\_\_\_\_

13. Do you feel that the delegation of the authority to approve official plans has had a positive effect on the planning process in your municipality?

1. Yes
2. No



14. Which of the following have (has) resulted from this delegation of approval authority in the area of official plans? (Circle all that apply)

- 1. Faster processing time
- 2. increased demands on staff
- 3. Improved integration of municipal and provincial interests
- 4. greater municipal autonomy
- 5. Improved community/municipal relations
- 6. list any other major impacts of this delegation of authority

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15. Overall, do you feel that this delegation of authority has resulted in the consumption of too many municipal resources?

- 1. Yes
- 2. No

16. As a result of this delegation of the approval authority for official plans, was it necessary to increase the size of your full time planning staff?

- 1. Yes
- 2. No

17. How many more full time staff were required as a result of this delegation?

(Please state number and position of additional staff required)

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18 (a) Has the approval authority function for the approval of Subdivision plans been delegated to your municipality?

- 1. Yes (go to question 19)
- 2. No

(b) Would your municipality like to have the approval authority for subdivision plans delegated to it?

- 1. Yes
- 2. No (Go to Question 24)

(c) What do you feel would be the impact of this delegation for your municipality in this planning area?

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(d) What additional resources do you feel your municipality would require if it was delegated this authority?

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Now go to question 24 \_\_\_\_\_

19. Do you feel that the delegation of the authority to approve subdivision plans has had a positive effect on the planning process in your municipality?

1. Yes
2. No

20. Which of the following have (has) resulted from this delegation of approval authority in the area of subdivision plans? (Circle all that apply)

1. faster processing time
2. increased demands on staff
3. improved integration of municipal and provincial interests
4. greater municipal autonomy
5. improved community/municipal integration
6. list any other major impacts of this delegation of authority

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21. Overall, do you feel that this delegation of authority has resulted in the consumption of too many municipal resources?

1. Yes
2. No

22. As a result of this delegation of the approval authority for subdivision plans, was it necessary to increase the size of your fulltime planning staff?

1. Yes
2. No

23. How many more full time staff were required as a result of this delegation?

(Please state number and position of additional staff required)

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24. The statements listed below are concerned with attitudes towards issues related to the planning process in the province of Ontario. You are asked to express your feeling about each statement by indicating whether you disagree or agree with the statement and to what degree. Circle the appropriate number in the space provided beside each statement.

1. STRONGLY DISAGREE
2. DISAGREE
3. SLIGHTLY DISAGREE
4. SLIGHTLY AGREE
5. AGREE
6. STRONGLY AGREE

- (a) This municipality would like more planning authority in the area of official plans. 1 2 3 4 5 6
- (b) This municipality would like more authority in the area of subdivision control. 1 2 3 4 5 6
- (c) Statements regarding provincial interest are so broad that it is difficult for local municipalities to identify these interests. 1 2 3 4 5 6
- (d) The authority that our municipality presently has in the planning process is adequate. 1 2 3 4 5 6
- (e) Regional planning in Ontario helps to speed up the planning process for local municipalities. 1 2 3 4 5 6

- (f) County planning in Ontario helps to speed up the planning process for local municipalities. 1 2 3 4 5 6
- (g) The delegation of approval authority in the area of official plans should be extended to all municipalities. 1 2 3 4 5 6
- (h) At present this municipality has sufficient resources to enable it to approve official plans. 1 2 3 4 5 6
- (i) At present this municipality has sufficient staff resources/administrative capabilities to enable it to administer and enforce planning by-laws. 1 2 3 4 5 6
- (j) Delegation of planning responsibilities in Ontario is not an issue of immediate concern. 1 2 3 4 5 6
- (k) There is sufficient consultation amongst the various levels of government in planning matters. 1 2 3 4 5 6
- (l) Our municipality would benefit from greater control over planning matters. 1 2 3 4 5 6

25. Does your municipality have a planning board?

1. Yes
2. No (Go to question 27)

26. Do you feel that this planning board is necessary for the planning process in your municipality?

1. Yes
2. No

27. Do you feel that your municipality needs additional training in any planning areas?

1. Yes
2. No

If so, what additional training does your municipality require?

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28. In your opinion where are most of the pressures to carry out planning exercises coming from? (Circle one answer only)

1. Provincial Government
2. Local municipal officials
3. Lobby groups (ie. neighbourhood assoc)
4. Other (please state) \_\_\_\_\_

29. In the case of the transfer of planning responsibilities, who do, you feel should pay for the transfer of responsibilities?  
(Choose just one)

1. Province
  2. Municipality
  3. Other (please state) \_\_\_\_\_
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30. Do you think that any changes need to be made to the Planning Act?

1. Yes
2. No

If so, list the changes that you feel need to be made.

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31. Do you feel that increased delegation of planning responsibilities to municipalities in Ontario is desirable?

- 1. Yes
- 2. No

If so, what do you think is the most important planning responsibility that should be delegated to municipalities?

(NAME JUST ONE)

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32. What resources does your municipality need to better carry out its present planning responsibilities?

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33. Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers?

- 1. Yes
- 2. No

If so, what costs would be of greatest concern in your municipality?

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34. Are there land issues that your municipality would like to deal with in its planning documents but that are not enabled by the Planning Act?

- 1. Yes
- 2. No

List any such issues : \_\_\_\_\_

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35. In the last 15 years, what changes in the planning process in your province have had the greatest impact on your municipality?

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**APPENDIX II  
BENEFITS AND DISADVANTAGES OF MASTER PLAN<sup>1</sup>**

<u>Benefits<sup>2</sup></u>	<u>Weighted</u> <u>% Yes</u>	<u>Unweighted</u> <u>% Yes</u>	
i) Provides objectives & direction	68.4%	61.4%	(89)
ii) Provides guided & controlled development	53.5%	58.6%	(85)
iii) Avoids major incompatibility issues	26.9%	20.7%	(30)
iv) Public involvement	8.8%	6.2%	( 9)
v) Basis for Zoning By-Law	2.3%	6.2%	( 9)
<u>Disadvantages<sup>3</sup></u>			
i) Changing/amending the plan is difficult and/or time consuming	46.5%	47.3%	(26)
ii) Plan is obsolete	13.6%	12.7%	( 7)
iii) Political Issues	12.8%	10.9%	( 6)
iv) Need a clear differentiation between regional policy and local control	15.5%	9.1%	( 5)
v) Vagueness of objectives	8.9%	7.3%	( 4)
vi) Public consultation procedures are long and complex	1.6%	5.5%	( 3)
vii) Other	33.0%	36.4%	(20)

<sup>1</sup> As this was an open ended question, there was no restriction on the number of benefits or disadvantages that municipalities could indicate.

<sup>2</sup> 145 municipalities indicated that there was some advantage.

<sup>3</sup> 55 municipalities indicated that there was some disadvantages to Master plans for their municipality.

**APPENDIX III**  
**CORRELATION OF VARIABLES CONCERNED WITH THE DELEGATION**  
**OF PLANNING RESPONSIBILITIES**

MAUTHOR1	1.0	.504 <sup>**</sup> (87)	-.324 <sup>**</sup> (116)	.163 (118)	-.025 (78)	-.273 <sup>*</sup> (125)	.610 <sup>**</sup> (142)	-.067 (142)	.416 <sup>**</sup> (116)
MAUTHOR2		1.0	-.419 <sup>**</sup> (98)	.151 (86)	.119 (82)	-.145 (101)	.604 <sup>**</sup> (102)	-.071 (102)	.401 <sup>**</sup> (100)
AUTHADEQ			1.0	-.149 (93)	-.083 (93)	.122 (147)	-.192 <sup>*</sup> (148)	.062 (148)	-.221 <sup>*</sup> (133)
RESMAST				1.0	.288 <sup>*</sup> (76)	-.090 (103)	.083 (120)	.053 (120)	.154 (94)
RESBYLAW					1.0	.052 (96)	-.012 (97)	.120 (97)	.081 (93)
CONCERN						1.0	-.161 (159)	.218 <sup>*</sup> (159)	-.214 <sup>*</sup> (136)
CONTROL							1.0	-.064 (177)	.375 <sup>**</sup> (138)
CONSULT								1.0	-.060 (138)
DESDELEG									1.0

\*\* P < .001

\*P < .01

**APPENDIX IV**  
**ANALYSIS OF VARIANCE OF ATTITUDES TOWARDS AUTHADEQ<sup>1</sup>**

<u>Source</u>	<u>DF</u>	<u>Sums of Squares</u>	<u>Mean Squares</u>	<u>F Ratio</u>	<u>F Prob</u>
Between Groups	2	24.9214	12.4607	6.2356	.0025
Within Groups	145	289.7543	1.9983		
<b>Total</b>	<b>147</b>	<b>314.6757</b>			

Newfoundland<sup>2</sup>      Mean = 2.6250<sup>3</sup>  
 Ontario      Mean = 3.4516  
 All other  
 prov/terr      Mean = 4.1284

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- <sup>1</sup> Respondents were asked to indicate the extent to which they agreed or disagreed with the statement: "The authority that our municipality presently has in the planning process is adequate".
- <sup>2</sup> Scheffé results: Significant difference at .05 level between those from Newfoundland and all other provinces (except Ontario).
- <sup>3</sup> Recall 1=Strongly Disagree, 2=Disagree, 3=Slightly Disagree, 4=Slightly Agree, 5=Agree and 6=Strongly Agree.

**APPENDIX V**  
**WOULD HIGHER COST BE A DETERRENT FOR YOUR MUNICIPALITY**  
**BY PROVINCE<sup>1</sup>**

<u>Province/Territory</u>	<u>% Yes</u>	<u>n Yes</u>	<u>% No</u>	<u>n Yes</u>
Prince Edward Island	57.1%	44	2.9%	3
Newfoundland	57.1%	4	42.9%	3
New Brunswick <sup>2</sup>	----	-	----	-
Nova Scotia	50.0%	6	50.0%	6
Québec	73.9%	17	26.1%	6
Ontario	65.5%	19	34.5%	10
Manitoba	75.0%	12	25.0%	4
Saskatchewan	72.7%	8	27.3%	3
Alberta	61.1%	11	38.9%	7
British Columbia <sup>3</sup>	100.0%	7	-----	-
Northwest Territories	83.3%	5	16.7%	1
Yukon Territory	60.0%	3	40.0%	2

<sup>1</sup> Respondents were asked "Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers?"

<sup>2</sup> This question was not included in the questionnaire for New Brunswick.

<sup>3</sup> This question was asked only of regional districts in British Columbia.

**APPENDIX VI**  
**WOULD HIGHER COSTS BE A DETERRENT FOR YOUR MUNICIPALITY**  
**BY MUNICIPALITY POPULATION SIZE<sup>12</sup>**

<u>Municipality Size</u>	<u>% Yes</u>		<u>% No</u>	
	<u>Weighted</u>	<u>Unweighed</u>	<u>Weighted</u>	<u>Unweighed</u>
1,000-9,999	75.0%	69.8% (44)	25.0%	30.2% (19)
10,000-49,999	69.5%	70.5% (31)	30.5%	29.5% (13)
50,000-99,999	70.1%	69.2% ( 9)	29.9%	30.8% ( 4)
100,000-499,999	65.5%	58.3% ( 7)	34.5%	41.7% ( 5)
500,000+	37.0%	28.6% ( 2)	63.0%	71.4% ( 5)

  
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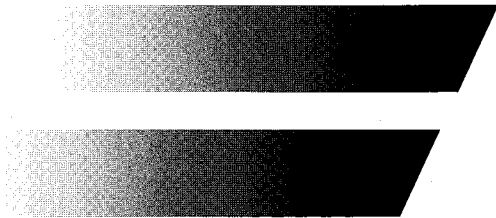
<sup>1</sup> Respondents were asked "Would higher costs be a major deterrent to your municipality's support regarding increased delegation of planning powers?"

<sup>2</sup> The correlation between these two variables was  $r = -.1537$ ,  $p > .01$  with the use of dummy coding with "Yes" given the value of one.

## REFERENCES

- Bish, Robert L. 1987. Local Government in British Columbia. Vancouver: Broadway Printers.
- Cullingworth, J. Barry. 1987. Urban and Regional Planning in Canada. New Jersey: Transaction Books.
- Heayn, Bruce I. 1976. Comparative Summary of Canadian Planning and Development Control Legislation. A report prepared for the British Columbia Environment and Land Use Committee Secretariat.
- Ince, John G. and Zwanette M. Pereboom. 1984. Land Use Law: British Columbia Handbook. West Coast Environmental Law Association. Vancouver: Butterworths.
- Makuch, Stanley M. 1983. Canadian Municipal and Planning Law. Toronto: Carswell Company Ltd.
- Nachmias, C. and D. Nachmias. 1981. Research Methods in the Social Sciences. New York: St. Martins Press.
- Northwest Territories Municipal and Community Affairs. 1988. A Guide to the Enactment of General Plans, Zoning By-laws and Amendments. Community Planning Division, Municipal and Community Affairs. Intergovernmental Committee on Urban and Regional Research
- Province of British Columbia. 1988. Statistics Relating to Regional and Municipal Governments in British Columbia. Victoria, B.C.: The Ministry of Municipal Affairs, Recreation and Culture. Comité intergouvernemental de recherches
- Robertson, J. T. and W.E. Cooper. 1985. A Guide to the Community Planning Act of New Brunswick. Community Planning Branch, Department of Municipal Affairs.
- Rogers, Ian MacFee. 1990. Canadian Law of Planning and Zoning. Toronto: Carswell.





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Créé en 1967 à la suite d'une conférence fédérale-provinciale sur l'habitation et l'aménagement urbain, le Comité intergouvernemental de recherches urbaines et régionales (CIRUR) regroupe des représentants des administrations fédérale, provinciales et territoriales du Canada qui se réunissent régulièrement pour orienter le champ d'activités du CIRUR : la gestion d'un service d'échange de renseignements et d'un programme de recherche. Le CIRUR a pour objectif principal de favoriser les communications entre les décideurs d'un bout à l'autre du Canada travaillant dans les domaines de l'urbanisme, de l'aménagement rural et régional, du développement économique, des finances et de l'administration publiques, du logement, des loisirs et du tourisme, des transports et de l'environnement. Il a également pour but d'élargir le champ de connaissance des questions urbaines et régionales par le biais d'activités de recherche et de consultation.

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