



Meeting Date: July 2, 2025

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Report No: PLA-38-2025

Subject: Delegation of Authority – Plan of Subdivision/Condominium

Recommendation:

THAT Report PLA-38-2025 re: Delegation of Authority – Plan of Subdivision/Condominium be received;

AND THAT Council submit a request to the County of Middlesex to delegate Plan of Subdivision and Plan of Condominium approvals under the *Planning Act* to Middlesex Centre in order to support the government's policy of streamlining approvals;

AND THAT Council submit a request to the Minister of Municipal Affairs and Housing to authorize the County of Middlesex to exempt Official Plan Amendments from County approval under s. 17(10) of the *Planning Act*;

AND FURTHER THAT Council direct staff to work with the County to initiate a review of the Planning Services Agreement.

Purpose:

The purpose of this report is to provide a recommendation with respect to the delegation of authority to approve Plan of Subdivision and Condominium Applications under the *Planning Act*, to support ongoing efforts to streamline the planning approval process and support the construction of more housing.

This report also provides an overview of the process for requesting delegated authority for Official Plan Amendments through authorization from the Minister of Municipal Affairs and Housing.

Background:

In December 2024, Middlesex Centre was one of four municipalities in Middlesex County that was awarded a grant under the Housing Accelerator Fund (HAF) program through the Canadian Mortgage and Housing Corporation, in the amount of \$4,246,800.48. In accepting this funding, the Municipality committed to an Action Plan that includes seven (7) initiatives intended to drive transformation change in land use planning and development approvals. An overview of the 7 initiatives is included in Attachment 1, and other initiatives are addressed within staff report CAO-17-2025.

One of these initiatives included a review of the delegation of authority associated with development approvals (Increase Process Efficiency), and staff have identified opportunities to increase efficiencies particularly in the context of Plan of Subdivision/Plan of Condominium approvals.

Currently, Middlesex County is the Approval Authority for Plans of Subdivision/Condominium applications, and amendments to the Middlesex Centre Official Plan (OPAs). Except for contested files, the approval of these applications is generally delegated to the Director of Planning and Development at the County.

Middlesex Centre Council is the approval authority with respect to Zoning By-law Amendments, Minor Variances, and Consents (both of which are delegated to the Committee of Adjustment). Site Plan approvals are also delegated directly to staff as required by the *Planning Act*.

Current Processes

When an applicant comes forward with an application for draft approval of a plan of subdivision, this is often accompanied by an Official Plan Amendment (OPA) and/or Zoning By-law Amendment (ZBA). In this scenario, an applicant is submitting separate applications to both Middlesex Centre and Middlesex County. Middlesex County still requires hard copies of all reports and associated documentation.

These applications then proceed along two separate but parallel processes. Each approval authority circulates the application to a similar list of interested agencies for comment. A public meeting for the application is held at Middlesex Centre Council only, and a staff report with recommendations is first brought before Middlesex Centre Council, then Middlesex County Council.

Once Draft Plan Approval is granted by the County, the Municipality continues working with proponents through the engineering, along with preparation of the development agreement which details and solidifies the conditions of development. The Municipality then prepares a detailed letter identifying how each condition of development has been satisfied. This sign-off is provided to the County, and provided any remaining conditions have been satisfied, the County processes the final approval and registration of the subdivision.

Plan of Condominium applications are processed in a similar manner, however some applications are eligible for exemption from the full approval requirements and may proceed directly to final approval once the site plan has been approved (by Middlesex Centre), and once overall site layout and servicing has largely been established and confirmed. While all site development and engineering reviews occur at the Middlesex Centre level, there are several administrative steps involved in processing the condominium exemption, including staff reports to both Middlesex Centre Council and County Council, before it is granted by the Director of Planning and Development at the County through delegated authority.

For amendments to the Municipality's Official Plan (OPAs), these are first adopted by Middlesex Centre Council, and Middlesex Centre staff then prepare a comprehensive Official Plan Amendment approval package and forward to the County. For uncontested OPAs, approval is delegated to the Director of Planning and Development.

The Planning Act

The *Planning Act* provides the framework for development approvals. Subsection 51.2(2) of the *Planning Act* states

If an upper-tier council is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law delegate all or any part of the authority to approve plans of subdivision to a lower-tier municipality in respect of land situated in the lower-tier municipality.

With respect to Official Plan Amendments, s. 17 (10) of the Planning Act states that the Minister can authorize an approval authority (e.g. the County) to exempt OPAs from its approval. Note this would not include OPAs developed through a comprehensive review – these would continue to be approved by the County.

Analysis:

The Middlesex Centre Strategic Plan is centred on delivering the highest standard in municipal services in a sustainable, professional, and innovative manner.

With respect to growth and development, the Municipality has and continues to make headway on improving the transparency, predictability, and timing associated with development approvals. Recent initiatives implemented by Middlesex Centre staff include the development of Standard Operating Procedures for planning and development, to clearly define roles and responsibilities among staff and improvements to the Site Plan Approval review process, along with other HAF initiatives outlined in staff report CAO-17-2025 and the overview in Attachment 1.

Delegation of Authority

Through ongoing observation and discussions with other jurisdictions, staff have identified efficiencies that could be realized through delegation of authority to approve Plan of Subdivision and Plan of Condominium applications, and Official Plan Amendments from the County of Middlesex:

- Alignment of administrative aspects:
 - Receiving applications – one centralized intake of application materials versus submission to two different approval authorities;
 - Circulations – alignment of application circulations and stakeholder coordination, with input from stakeholders being directed directly to one approval authority.
 - Approval process – currently, a staff report and recommendations are first brought before Middlesex Centre Council for a recommendation as to the appropriateness of the development. Another staff report is then brought to County Council which relies on the planning analysis and conditions brought forward to Middlesex Centre Council.
 - Approval timelines – delegation is expected to reduce overall approval timelines, for example where an additional County council cycle is required, and where Middlesex Centre Council decision on OPAs does not require the further processing of the Municipality's submission to the County.
- Better alignment of all aspects of the development process:
 - Middlesex Centre owns and operates its water, wastewater, and stormwater infrastructure systems, which represent a significant component of the development process. Obtaining approval authority will ensure there is no delay in procedural aspects of the approval process as Middlesex Centre staff work through design and engineering.

If delegation of authority were granted to Middlesex Centre, the Municipality would be responsible for all administrative aspects of the approval process, as well as any appeals before the Ontario Land Tribunal. Staff believe that the Municipality currently has the staff resources and framework to administer approval authority for these applications.

Current Planning Services Agreement

Middlesex Centre and other area municipalities within the County entered into the current Planning Services Agreement in 2016, which outlines that the County planning staff will provide day-to-day planning services and application processing.

The current Planning Services Agreement would remain in effect and unchanged, and the County would continue to provide planning services in accordance with the agreement. This agreement has automatically renewed every three years since 2016.

Staff recommend that this agreement be reviewed to ensure it accurately reflects the current operations, that it is accurately meeting the needs of the changing development climate, and that it is in the best interests of the Municipality and County, including its taxpayers.

Precedents and Comparators

Two-tier governments throughout the Province operate in a variety of different ways, and delegation of approval to lower tier municipalities is common. The list below provides a sample of comparatively sized municipalities that have delegated authority to approve Plan of Subdivision and Condominium applications, either delegated directly from the Province or from the upper tier. Many of these listed municipalities also have delegated authority to approve Official Plan Amendments. This is not a comprehensive list:

- Municipality of Port Hope (Northumberland County) – Population 16,753
- Town of Orangeville (Dufferin County) – Population 30,000
- Town of Cobourg (Northumberland County) – Population 19,440
- Township of Clearview (County of Simcoe) – Population 14,000
- Municipality of Lambton Shores (Lambton County) – Population 10,000
- City of Sarnia (Lambton County) – Population 71,000
- Town of Lincoln (Niagara Region) – Population 25,719
- Town of Fort Erie (Niagara Region) – Population 32,710

Staff also note that the Regions of Peel, Halton, York, Durham, Waterloo, Simcoe, and Niagara have been deemed as “upper-tier municipalities without planning responsibilities” through recent legislative changes by the Province. The result of these changes meant that the lower tier municipalities no longer require approval of Official Plan Amendments (OPAs) from the upper tier municipality, and OPAs resulting from a Comprehensive Review, or the completion of new Official Plans would be approved directly by the Province.

The request for delegated authority aligns with the provincial government’s red tape reduction initiatives to streamline development approvals.

Next Steps

Should Council decide to proceed, staff would initiate the following:

- A request to the County of Middlesex to delegate approval authority with respect to Plans of Subdivision and Condominium applications; and
- A request to the Minister of Municipal Affairs and Housing to authorize the County of Middlesex to exempt appeals to the Middlesex Centre Official Plan from County approval.

Financial Implications:

The Planning Services Agreement is currently funded as part of the County tax levy, at a total levy of \$58,251,120. Middlesex Centre pays 29.6% of the total county levy. The Planning and Woodlot budget funded by the levy is \$1,988,516, or 3.4% of the total levy. Therefore, Middlesex Centre pays approximately \$588,601 towards the Planning and Woodlot budget.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth
- Sustainable Infrastructure and Services
- Responsive Municipal Government

These initiatives support several strategic priorities by ensuring we are providing a high degree of customer service, fostering continuous improvement and cost-effective service delivery, and ensuring we have the appropriate resources and processes in place to support new development.

Attachments:

Attachment 1: Housing Accelerator Fund Initiatives Summary