



## Planning and Development Service Delivery Review

### FINAL REPORT



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## Executive Summary

Slow and inefficient planning and development processes can have a negative impact on a municipality's tax base. As well, staff time spent working through inefficient processes uses up capacity that can be better spent in other value-adding ways.

Leading Edge Group (LEG) undertook a Lean review and analysis of seven (7) planning processes at the Town of Tillsonburg (the Town) and Oxford County (the County) to better understand the timelines and effort involved, with a view towards ensuring the processes could be more efficient and would not incur a financial penalty when Bill 109 is implemented in January 2023.

Overall, the planning processes are efficient and will meet the Bill 109 timelines. With the implementation of CloudPermit in the Fall of 2022, there will be inherent efficiencies gained through having applications online. In addition to this, CloudPermit has other features that will help to further decrease the already acceptable timelines for planning processes.

In light of this, most of the recommendations in this report focus on creating efficiencies in the overall process of approving all types of applications. LEG looked at how work flows from and between the County and the Town; how individual job functions interact; new processes that could be implemented to further decrease processing time and how some of the existing documentation could be changed to alleviate confusion and allow for a fuller understanding of timelines and responsibilities.

This report documents the background to the project; the work undertaken; key findings and recommendations for realizing an improved future state.

Note: this report and analysis was prepared prior to the changes to the Planning Act introduced through Bill 23, *More Homes Built Faster Act*. The analysis of the new resource demands, staffing pressures, and impacts to development review timelines that will be introduced through the changes to the development process resulting from Bill 23 was excluded from the scope of work of this report.



## Client Requirements

The Town of Tillsonburg (the Town) is one (1) of eight (8) area municipalities that make up the two-tier municipality – Oxford County (the County). Located in southwestern Ontario at the crossroads of Highways 401 and 403, the County has a population of approximately 125,000 people across eight area municipalities that are “growing stronger together.” Tillsonburg has a population of 18,615 and is located about 50 kilometres southeast of London, on Highway 3 at the junction of Highway 19.

Leading Edge Group (LEG) undertook a review and analysis of relevant planning and development processes and structures at the Town of Tillsonburg (the Town) to establish how services can be delivered in the most effective, efficient, consistent, innovative and cost-effective manner. In doing so, LEG aimed to focus on a number of elements:

- Alignment with the goals, strategic direction and values of the Town’s Community Strategic Plan – most notably Customer Service; Communication and Engagement; Business Attraction; Retention and Expansion and Community Growth
- Current agreement, integration and collaboration with the Oxford County (the County) Community Planning Office
- Community, developers, appropriate agencies, Council and employee expectations
- Value and waste in processes
- Resource, work and information flow
- Demand management
- Visibility, transparency and communication for all stakeholders
- Costs and benefits – direct, indirect and tangible
- Current performance versus municipal and Lean process improvement best practice Digital/technological maturity
- Relevant organizational design and structure for effective resource balancing and capacity

The service delivery review and associated evaluation process is intended to systematically determine the most appropriate and cost effective way to provide planning and development services, including processes for site plans, minor variances, zone change, severance, subdivision and development applications; receipt, administration and release of securities, records retention, Geographic information systems (GIS) services, and planning services, while maintaining or improving customer service.



## Sources of Information

The Town of Tillsonburg (the Town) and Oxford County (the County) provided Leading Edge Group with:

- Background documentation on historical type and number of applications received over the past 15 years
- The agreement between the Town and the County for the provision of Planning Services (Schedule A to Bylaw 3991)
- Relevant bylaws and material that pertain to how the Town and County interact to reach a decision on planning applications submitted

In addition, LEG reviewed any internal process maps that were available; organizational charts; application process and timelines – both historical and current – to gain a broad understanding of the background context.

Furthermore, a series of meetings were scheduled to capture the Voice of the Customer and to uncover any extra work that was required to move the work along beyond documented processes.

LEG conducted in-person interviews and followed up with both regular and ad hoc meetings as needed. In addition to Town and County staff, LEG engaged with Councillors as well as an outside engineering firm to gain insights on the current planning processes.



## Project Approach

A service delivery review and associated evaluation process was undertaken to systematically determine the most appropriate and cost-effective way for the Town to provide Planning and Development Services for the following applications:

- Site plans
- Minor variances
- Zoning changes
- Severance
- Subdivisions
- Development

Included in this review were services that feed off of or impact planning applications, such as:

- Receipt, administration and release of securities
- Records retention
- Geographic information systems services
- Other planning services
- Customer service

The Town of Tillsonburg processes three (3) types of applications with an average process time of 23.3 days and a range of 20-30 days. The County processes nine (9) types of applications with an average process time of 80 days and a range of 30-120 days.

processing days by year and application type	Responsibility		Days	2013	2014	2015	2016	2017	2018	2019	2020	2021	
	Processing	Approval											
Condominium	Oxford	Oxford	60	0	0	180	0	60	60	120	60	120	
Part Lot Control	Oxford	Oxford	60	0	60	0	0	60	240	60	240	120	
Woodlands Conservation	Oxford	Oxford	60	0	0	0	0	0	0	0	0	0	
Consents	Oxford	Oxford	90	630	270	270	0	270	630	180	810	270	
Consents/MV	Oxford	Oxford	90	270	90	90	90	90	180	180	180	540	
OPA	Oxford	Oxford	120	120	240	240	240	0	0	120	600	240	
Subdivision	Oxford	Oxford	120	0	240	0	0	0	120	120	240	360	
DA Extension/Amendment	Oxford	Tillsonburg	30	30	30	0	60	90	60	0	120	30	
Zonings	Oxford	Tillsonburg	90	720	1080	720	810	1260	1260	1440	1710	1530	
Site Plan Amendment	Tillsonburg	Tillsonburg	20	20	40	40	60	80	80	100	20	80	
Site Plan Control	Tillsonburg	Tillsonburg	20	140	60	140	160	80	240	80	100	220	
Minor Variances	Tillsonburg	Tillsonburg	30	180	330	390	330	330	540	510	390	660	
Total Processing Days			Oxford	720	1770	2010	1500	1200	1830	2550	2220	3960	3210
			Tillsonburg	70	340	430	570	550	490	860	690	510	960

Figure 1 – Historical analysis of the number of planning applications by type per year.

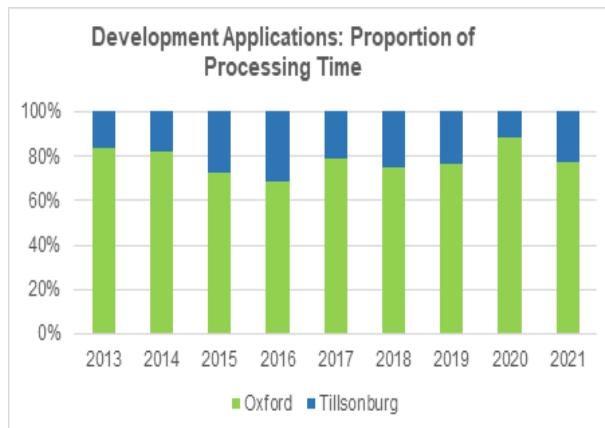


Figure 2 – A comparison of processing time between the County and the Town.

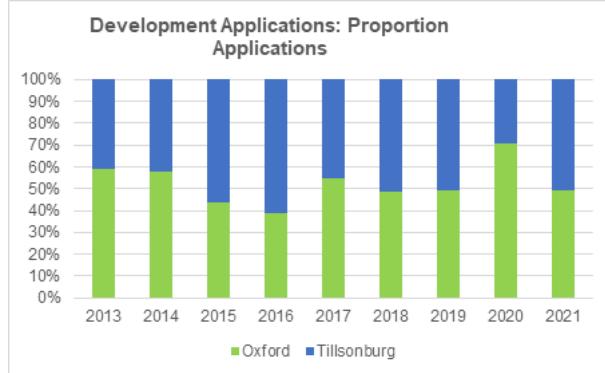


Figure 3 – A comparison of the number of applications received at the County and at the Town.



As part of planning and preparation, LEG reviewed the relevant background information and documentation provided to inform interviews with relevant Town and County employees.

Following the stakeholder interviews, LEG mapped the current state of the planning processes with Town and County employees. In addition to the steps needed to complete the process, mapping also noted whether the Town or County is the approval authority by application type. The current state review also focused on historical information to understand overall scope of work both for the Town and the County.

Through the current state review, each process step was examined in the context of 'value-add' and 'non-value-add' with a view towards eliminating or reducing any non-value-add steps for a more optimal future state. In addition, staff were encouraged to discuss areas where they consistently see slowdowns, steps that take longer than they should and any parts of the process that they felt were inefficient.



## Introducing Lean

Lean is a systematic approach to identifying and eliminating wasteful activities in a process through continuous improvement. The key focus of Lean Thinking is identifying the value of any given process by distinguishing value-added steps from non-value-added steps and eliminating waste so that, eventually, every step adds value to that process. This is achieved by enabling the flow of a product or service at the pull of the patient or customer, while the organization is in pursuit of perfection.

The term 'Lean' is applied to a process because a Lean process utilizes:

- Less operational space
- Fewer financial resources
- Fewer materials and services
- Less time to deliver a service to its customers/patients/residents

Lean Thinking is not a manufacturing strategy or a cost-reduction program, but a philosophy that can be applied to a variety of organizations. This is because it is focused on processes. All organizations are made up of a series of processes, sets of activities or steps intended to create value for people who are dependent on them – customers, colleagues or patients.

Lean Thinking is based around the application of a number of tools and strategies aimed at streamlining all aspects of a process. These tools are intended to reduce unnecessary labor, space, capital, materials, equipment and time involved in the delivery of appropriate services to patients/residents/customers.

Using the principles and tools associated with Lean Thinking to reduce and eliminate waste enables organizations to increase their quality of service and become more competitive. It enables them to:

- Operate more quickly and efficiently at lower costs
- Become more responsive to the needs of customers/patients/residents and staff
- Focus on quality
- Increase service levels

This helps organizations to ensure their employees experience increased job satisfaction and their customers receive the best possible service.



Lean process mapping focuses on a process as a “value stream” that outlines the flow from the beginning to the end, from the initiation of the service delivery to the final delivery to the customer (internal or external). The exercise identifies and quantifies value-adding and non-value-adding activities within the value stream and links all associated material and information flows.

By describing, mapping and discussing a value stream, staff members have the opportunity to identify activities that are wasteful. Lean specifies eight categories of waste in order to facilitate the identification of non-value-adding activities. These are:

- **Transportation** - of inventory, files, etc.
- **Over-production** - doing more than is required by the customer to meet a perceived or assumed need
- **Unnecessary movement** - of staff to photocopiers, other units and buildings for meetings
- **Inventory** - stockpiling of supplies “just in case”, thereby tying up floor space and money
- **Waiting** -for approvals, replies, supplies, equipment, etc.
- **Over processing** - redundant reviews, excessive approval sign-offs
- **Defects** - missing information, inaccurate data entry
- **Underutilized skills** – inappropriate grade of staff carrying out work, not consulting relevant staff on projects

## Stakeholder Engagement

A number of key stakeholders and others who are peripheral to the processes were interviewed at both the Town and the County. Many were interviewed more than once as new questions arose and/or new situations presented themselves.

Respondents were asked a series of questions - many open-ended - to gauge the level of work involved with applications from submission to decision. The following are examples:

1. What is your position and how long have you been with the Town/County?
2. Do you work directly or indirectly with planning applications?
3. What do you find most frustrating with planning applications?
4. How would you make it better?
5. What doesn't make sense to you?
6. What slows this process down?
7. What extra work do you go to/through to help push the applications to decision?
8. What else would you like to tell me about the planning process at the Town of Tillsonburg?

The interviews were conducted across staff from all areas of the planning processes along with Councillors, the Mayor and Deputy Mayor, CAO, various directors and outside applicants.

Name	Role
<b>Amy Hartley</b>	Secretary Treasurer, Land Division Committee
<b>Angela Karn Sims</b>	Divisional Assistant, Community Planning
<b>Carlos Reyes</b>	(former) Director of Operations and Development
<b>Dave Beres</b>	Deputy Mayor
<b>Deb Gilvesy</b>	Councillor
<b>Eric Gilbert</b>	Senior Planner
<b>Geno Vanhaelewyn</b>	Chief Building Official
<b>Kendall Wharton</b>	Development Technician
<b>Kyle Pratt</b>	CAO
<b>Penny Esseltine</b>	Councillor
<b>Peter Penner</b>	President, Project Manager CJDL Consulting Engineers
<b>Renato Pullia</b>	Director of Finance/Treasurer
<b>Shelley Buchanan</b>	Administrative Assistant, Community Planning
<b>Stephen Molnar</b>	Mayor
<b>Thomas Louws</b>	Development Engineering Technologist

Figure 4 – List of interviewees.



In general, the feedback received during the interviews was overwhelmingly positive. The Town and the County appear to have a great working relationship with applicants and, although at times there was minor frustration with the pace of processing applications, the feedback was that both the Town and the County were at least 'as fast as' surrounding towns and, in some cases faster.

Staff had some specific comments around frustrations with multiple rounds of commenting and the number of actual signatures that are required. Overall though, they felt the processes were working well.

Feedback from the community through the Mayor's office or through Councillors' offices was again, positive. The County is currently experiencing a 1-month backlog in beginning the processing of applications mainly due to an increase in applications, but impacted by the fact that the Divisional Assistant who starts the process by opening and assessing applications for completeness, are assigned to this office anywhere from 30-40% of their time and have other duties.

Any concerns with the current process focused on that delay. Outside agencies/individuals who submit applications were also generally happy with the timelines but did raise the backlog in opening and starting applications.

## Current State Review and Analysis

With the information gained through the stakeholder interviews, a follow-up on-site workshop was scheduled to enable staff to discuss and map their portion of the application processes. Participants at this workshop included the Senior Planner (the County), the Development Technician (the Town) and the Development Technologist (the Town). All seven (7) processes were discussed and mapped from the point of submission of the application to decision or appeal of the decision.

Each process map is included in Appendix A.

Currently, the Town and the County process applications in the following manner:

Type of Application	Application Processed By	Approval Authority
Severances	County	County
Official Plan Amendment	County	County
Subdivision	County	County
Part Lot Control	County	County
Zonings	County	Town
Minor Variance	Town	Town
Site Plan Approval	Town	Town

Figure 5 – Processing and authority by application type.

The division of work between the two entities is working well and is split in such a way that the County has a Senior Planner on staff dedicated to Town of Tillsonburg work and processes the longer, more complex but lower volume applications while the Town, although not having a planner on staff, has dedicated Development Technicians and Planning Technologists who process a higher volume of applications but with a shorter, less complex decision process.

When opening applications, the Divisional Assistant assesses for content and a decision is made to either process this application immediately or put it back in line to be processed at a later time. Normally, applications would be processed as they arrive at the County. However, there is currently a one (1) month backlog as a result of an influx of applications over the past few years.

Whenever possible, applications are processed based on a first-in-first-out approach. However, due to the backlog of applications, a tracking system has been created by County Community Planning administrative staff to allow them to find applications within the backlog quickly should the applicant call about them. This process, although running very smoothly, adds an element of work that takes away from capacity to commence processing applications in a timely manner.



Application process time is calculated from the time an application is considered complete to the point where a decision is made. Therefore, the one (1) month backlog referred to above does not affect the process time since technically the application has not started the process even though it has arrived and is awaiting processing. Due to the way application time is calculated at the County, this is somewhat of a grey area and, if counted differently – such as arrival to decision, the one (1) month backlog could have financial implications when Bill 109 comes into effect.

The backlog affects all eight (8) municipalities in the County and has been an ongoing issue over the last six years. The backlog ebbs and flows based on the influx of applications but can be directly attributed to the loss of an Administrative Assistant six (6) years ago due to attrition. Over that time, as mentioned, the backlog has been cleared for short periods of time but it has always reappeared. Administrative staff vacations or unexpected leave exacerbates the issue. In order to ensure that incoming applications are processed in a first-in-first-out manner, the administrative staff have developed a process to log and track applications. This new process works well but takes time away from actually processing the applications.

Based on the above, it appears that the current number of administrative staff in the Community Planning office is not sufficient to process applications in a timely manner.

Although, in general, the planning processes are running well and can meet all the timelines expectations, the current backlog could cause financial repercussions when Bill 109 is implemented as processing time starts when an application is considered complete rather than when Oxford County starts processing it.

In general, the process steps within the control of either the Town or the County were deemed to be as efficient as the current infrastructure would allow. The main area where the process slowed was the circulation process. This element of the process is out of the control of Town and County employees but took the longest percentage of process time. It was also noted that, with the Fall 2022 implementation of CloudPermit, there would be some expected gains in process time - most notably in the decrease in the time needed to move a physical documents and the number and time it takes to have these documents signed before moving on to the next process step.

Additionally, the Administrative Team at the County of Oxford is a very high functioning team. They work well together and are able to anticipate each other's needs and jump in to help before being asked. There is currently a one-month delay in opening and processing applications but given the volume of applications and the small size of this team, I would have anticipated a longer delay. As well, the Senior Planner has been with Oxford County for many years and has vast organizational knowledge. This allows the Sr. Planner to quickly assess an application for precedent and move the application along in an appropriate manner. Without

this vast knowledge the planning application processes would take longer than we are currently experiencing.

An analysis of future needs of the Town over the next 25 years was also conducted. To do this, LEG used historical population data and overlaid it with historical application submission numbers. In doing so, it is clear that there is a direct correlation between population data and applications submissions. Therefore, using projected population data, it is possible to identify and calculate projected future application submissions.

The population projections\* show that the Town is currently either at the peak or very close to the peak number of households. Over the next 24 years, the population is predicted to slowly decline. Therefore, if applications continue to follow the trend shown historically, they will also start to decline.

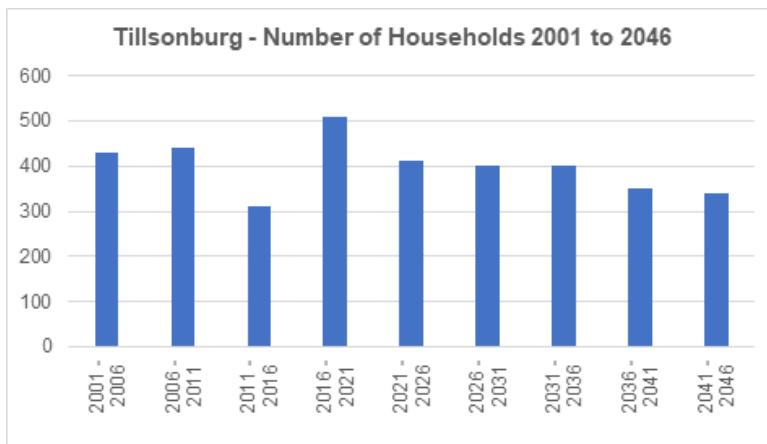


Figure 6 – Historical and projected number of households in the Town of Tillsonburg from 2001 to 2046.

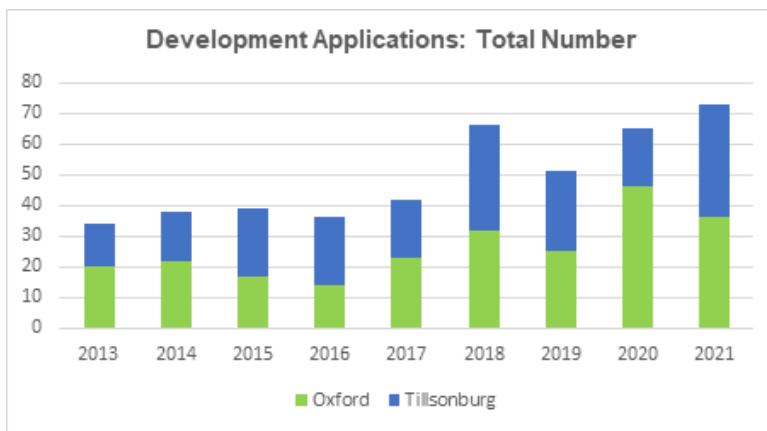


Figure 7 – Total number of development applications by year.

\* Data taken from Phase One Comprehensive Review Oxford County by Hemson Consulting Ltd. March 2020



Knowing that the mid to long term analysis shows a decline in applications and therefore a decline in work involved in processing planning applications in both Oxford County and the Town of Tillsonburg, it is important to gain as much current capacity as possible by optimizing the planning processes. In addition to that, there is a need to hire strategically – within the next few years as applications decline and capacity is freed, there may be less of a need for resources as there is currently. Consequently, the Town and the County must hire strategically by hiring in select positions where capacity is needed now and can be used in the future or, by hiring contract employees until the assessment of future need can be confirmed.



## Future State Recommendations

Although, in general the processes are working well, there are some changes that can be made to help alleviate some of the current capacity issues the Town and County are currently experiencing.

In the fall of 2022 CloudPermit will be implemented on a trial basis with the Town running the pilot. There are a number of efficiencies that will come from having an online application process. Currently, applications can be mailed or brought to either the Town or the County for processing. However, only certain types of applications are processed at each location. If an application that is processed at the County is mailed or brought to the Town, Town staff mail the application to the County for processing. The same procedure is carried out if an application is taken to the County but the processing is undertaken by the Town. This movement of applications before processing can begin will be eliminated through the implementation of CloudPermit. Additionally, staff will know about an application at the beginning of the process ensuring they have a full understanding of their upcoming work load which will enable them to be more proactive.

With the loss of a full-time administrative position through attrition six (6) years ago, some of the work shifted to others within the Town and County. This means that some of the job functions are not being carried out as efficiently as they could be. The full-time position was restored in July 2021, however, the backlog of applications continues, due to the high volumes. Adding an administrative position would allow work to be shifted in a way that would increase efficiency, allow for applications to be processed more quickly and increase capacity when 'work arounds', such as the tracking system for incoming applications, can be eliminated.

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### Key Recommendations:

#### ***Add one (1) full time Administrative position at Oxford County Community Planning***

Currently, the Administrative team which is housed at Oxford County and works with all eight (8) municipalities within the County, consists of three (3) full time individuals – one (1) assigned full-time to the role of opening new files and two (2) assigned to other various aspects of the application process for approximately 35% of their time. These Administrative staff accept and begin the process for all applications received pertaining to all of the eight (8) municipalities within the County.

The backlog referred to in this document represents more than one (1) month of work because applications are logged as they come in in order to be able to process them in a first-in-first-out manner where possible. This logging process takes time away from the actual processing of applications. As well, many times the Senior Planner or one of the Councillors will check on



applications that have not yet begun to be processed and the time it takes the administrative staff to retrieve the application and answer questions on an application expected start date, reduces capacity to process the applications.

In 2016, the Administrative Team consisted of 3.5 full time employees and development applications totalled 337 for that year. The current team of three (3) processed 533 applications in 2021, a 58% increase in throughput with less staff. However, with the aforementioned backlog and the volume of applications projected to stay consistent for the next few years, there is no way to alleviate the backlog and turn around applications in a timely manner without additional staff.

Using the 2016 data, each person was processing just over 96 applications a year. Therefore, if future applications are equal to the 533 applications received in 2021, the department should consider increasing the administrative staff by two (2) full time equivalents (FTEs). However, given that there will be efficiencies gained with the implementation of CloudPermit; the fact that the Administrative team appears to be very high functioning; and, that the Town is likely at or near the peak of application submissions; it is likely the addition of one (1) FTE would be sufficient to eliminate the existing backlog and ensure all future applications are processed as they arrive.

Along with enabling applications to be opened, circulated and scheduled for public meeting more quickly, the additional capacity would allow for zoning by-law consolidations to be updated more often thereby ensuring that the public/staff have access to the most current zoning information.

In addition to the timely processing of applications, additional capacity would allow staff to more thoroughly review their current processes in order to streamline them.

#### ***Freeing Senior Planner Capacity***

With the reduction in the administrative team, some of the work that currently belongs within that team has shifted to the Senior Planner. In addition, parts of the planning report that currently reside with the Senior Planner can be completed more efficiently by other Town and County staff. Moving some of the work from the Senior Planner would free up capacity that can be used to move applications through the planning processes more quickly; prepare applications for public meetings; proactively follow up with commenting agencies and spend additional time drafting reports.

Key tasks that can be moved are as follows:

1. Preparing mapping/plates for applications and reports – this work can be more easily completed by the Development Technician at the Town
2. Sending acknowledgement letters to applicants – this work fits with the administrative staff at the County
3. Signing site plans/applying fixes – this work can be undertaken by the Development Engineering Technologist at the Town
4. Drafting agreements – depending on the volume and type of application, this work can move to the Development Technician (Town) or the Administrative Assistant (County).

### ***Expanding the delegation authority***

Bill 13 modifies the Planning Act and allows municipalities in Ontario to expand delegation authority for certain processes. The processes newly identified as possibilities for delegation of authority are *Temporary Use By-Law*; *Minor Zoning By-Law Amendment* and *Lifting of Holding Provision*.

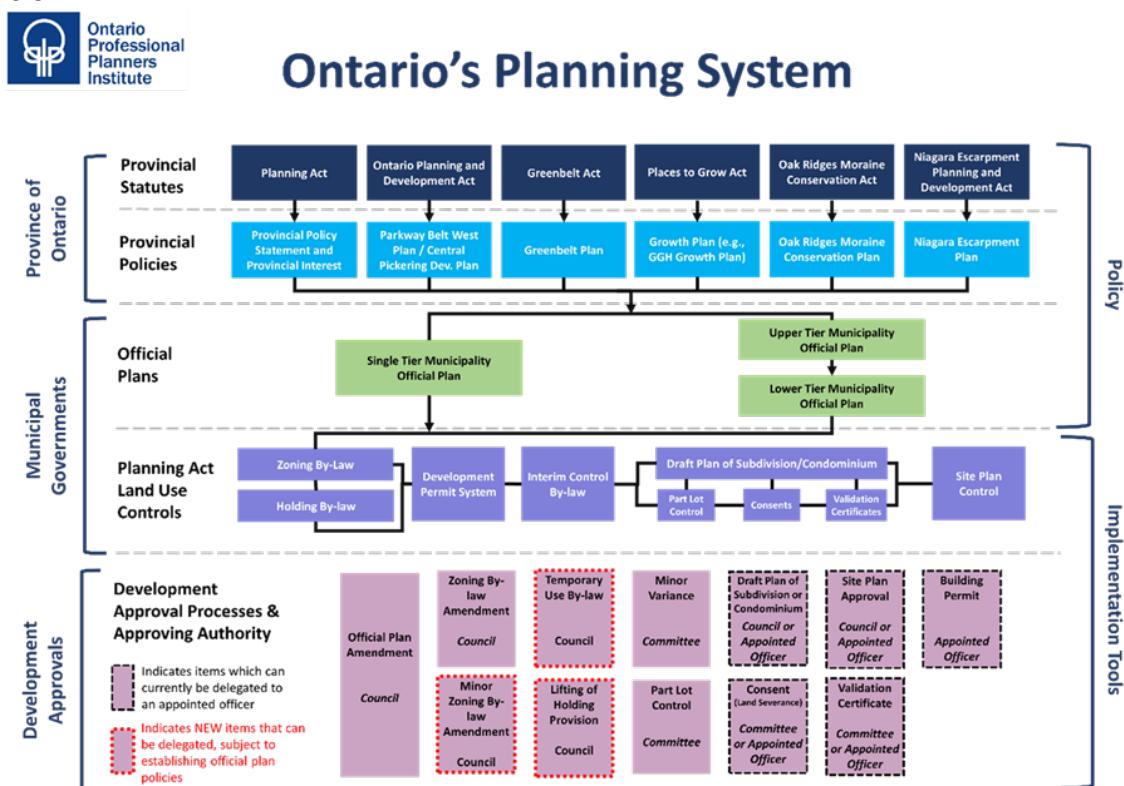


Figure 8 – An outline of Ontario's Planning System with the upcoming changes to Delegated Authority outlined in red.



These applications are currently processed by the County and are then presented at the Town's Council meetings for approval. Although the combined number of applications for these three (3) types is usually less than 20 per year and therefore the volume of applications is not considered significant, enabling the Senior Planner to have delegated authority in agreement with Bill 13, would save time and effort both for the Senior Planner as well as for the Councillors.

#### ***Implement a Pre-Application Consultation process***

Currently, as per Schedule A to By-Law 3991 of the agreement between the County and the Town which specifies how planning and development services will be carried out between the two (2) entities, applicants have the option of requesting a pre-application consultation. Having these meetings ensures that when an application is submitted, it is complete and has all the necessary documents attached. This helps decrease throughput time while also decreasing and, in some cases, eliminating the need for multiple circulations. However, it is rare that an applicant requests a pre-application consultation at the Town.

One of the biggest challenges facing the Town and County is the volume of complex applications. Ensuring efficient throughput is essential to maintaining timelines necessary to meet the Planning Act guidelines along with stakeholder expectations. Implementing a pre-application consultation meeting will ensure applications move through all phases of the application process as quickly as possible. To be effective, this needs to be a formal and mandatory meeting as a prerequisite to submitting certain development applications.

A pre-application consultation process is typically applied to the following types of application:

- Official plan amendment
- Zoning by-law amendment
- Site plan
- Plan of subdivision
- Plan of condominium

In addition to the applications listed above, some municipalities across Ontario require complex applications to also go through this process. In fact, a mandatory pre-application consultation has become a best practice process that many municipalities across the province Ontario have implemented.

Municipalities in Ontario with a Pre-Consultation Process	Official Plan Amendment	Zoning By-Law Amendment	Site Plan	Plan of Subdivision	Plan of Condominium	Consent	Minor Variance	Other Land Uses	Complex Applications	Rezoning for Multi Res	Severance
Belville	X	X	X	X	X	X	X	X	X	X	
Blue Mountain	X	X	X	X	X						
Clarington	X	X	X	X	X						
Georgina	X	X	X	X	X						
Kitchener	X	X	X	X	X						
Peterborough	X	X	X	X	X						
Sarnia	X	X	X	X	X						
Sudbury	X	X	X	X	X						
West Lincoln	X	X	X	X	X	X	X				
Woolwich	X	X	X	X	X						X

Figure 9 – Sample of Ontario municipalities with pre-application consultations as a mandatory requirement.

At its core, it is a communication tool that allows information to flow between the responsible authority and the prospective applicant. It generally provides significant benefits including:

- Bringing all parties together (landowner/developer, consultants, approval authorities) and increasing awareness of a proposed application
- Identifying the type of application to be submitted and all associated reports, plans and other extraordinary requirements needed for review and assessment
- Enabling faster processing times as an application cannot be considered complete and proceed if information identified in the pre-application consultation agreement is not provided
- Reducing requests for additional information from approval authorities
- Providing certainty for both the applicant and approval authority, who both sign off on a formal pre-consultation document



For the Town and County, some specific benefits of implementing a pre-application consultation include the following:

- Planning staff at the Town/County can connect with developers and exchange information about local market conditions and their understanding of development trends that may be coming, particularly if the developers are not local.
- A pre-consultation provides an applicant with specific studies/reports that have to be prepared, which will likely take time to complete and may result in the applicant rethinking a proposal, resulting in a better planning outcome and stronger applications.
- Capacity can be created among staff who process applications if all incoming applications are complete and able to move through the planning process more easily.
- All relevant authorities, including approval and commenting authorities (emergency services, school boards, utility providers), can be brought to the table to discuss what needs to be considered. This also increases awareness of the project and will likely reduce commenting time when an application is submitted and distributed for review/comment.
- A document/checklist signed by the approval authority and the prospective applicant is compiled during the pre-application consultation and this list includes the type of application required, all relevant studies/plans, comments and conditions for an application. This checklist is included with the application and will enable the person accepting the application to quickly ensure it is complete.

#### ***Amendments to Schedule A of By-Law 3991***

Schedule A was written and signed in 2016 and was due to be reviewed in 2021. It is unclear if that review was undertaken but, either way, it needs to be revisited to ensure it still meets the needs of both the Town and the County. Special attention should be paid to the language in the document and, wherever possible, language should be specific rather than general.

As an example, the current document states that zoning by-laws are to be updated 'regularly'. More specific wording both in terms of time frame as well as who is responsible for this work would ensure it is completed when it needs to be. This has the double benefit of allowing residents to know if the zoning by-law has been updated recently and, if not, who to contact to find out what, if anything, has changed.

Another change to Schedule A would be to update it with respect to pre-application consultations being mandatory for certain applications if the decision is made to move forward with that recommendation.



There is also some confusion as to which entity is responsible for processing minor variances. In a specific section of the document, it is stated that the County is responsible for processing applications for Minor Variance but, in actuality, the County only processes minor variance applications that are directly related to consent because the Town has delegated authority to the Land Division Committee to grant the minor variance to the zoning by-law as it is directly related to the consent. This is an efficient process because it saves the applicant from having to submit an additional zoning application that will essentially be rubber stamped. If the application is for a standalone minor variance for anything not related to the creation of a new lot, the Town retains the authority to process and make the decision. This distinction should be clarified in the updated document.

Finally, a chart such as the one below might be helpful to include in the document to provide clarification on what can be expected and which entity to approach with questions:

Application Type	Responsibility for Processing	Responsibility for Approving	Pre-Application Consultation Required
Severance	County	County	No
Official Plan Ammendment	County	County	Yes
Subdivision	County	County	Yes
Part Lot Control	County	County	No
Zoning	County	Town	Yes
Minor Variance	Town	Town	No
Minor Variance - Consent	County	County	No
Site Plan Approval	Town	Town	Yes

Figure 10 – Processing and approval authority by application type and suggestion on pre-application consultation process.

### ***Cross-training/Learning***

The Town and County should consider all opportunities to cross-train employees. Studies have shown that cross-training leads to higher employee engagement and, consequently, a stronger culture. Cross-training also helps an organization maintain strong customer service during peaks in service demand. Therefore, any opportunity to provide training will benefit both the organization and the individual.

With respect to planning applications, specifically staff members who accept applications should be trained to understand what 'complete' means at this stage of the process.

Approximately 60% of applications are physically brought to the Town or the County and are received by staff straight from the applicant. If, at that point, they are checked to ensure everything is signed, the fee is correct and any documentation needed is received, it will save time and effort in the process later.



Some of the employees interviewed would benefit greatly from formal Lean training. Having a group of employees with process improvement knowledge and capabilities would enable them to suggest and make changes in their own areas ensuring that these processes are continually improving.

#### ***Archiving of Historical documents***

With the implementation of CloudPermit due to commence this Fall, all planning documents going forward will be online and searchable. However, there is still a need to access historical, paper-based documents and applications submitted in hard copy format.

The Town should consider hiring a student or an intern to archive these older documents so that they are easily searchable. Currently, the Development Technician and the Development Technologist spend the equivalent combined time of seven (7) weeks of their year searching through old paper-based documentation. Hiring a student or an intern to ensure this work is inputted to Laserfiche would decrease that search time by at least 90% and free up additional capacity.

#### ***Documenting and Standardizing processes***

Over time within an organization, processes can become personality dependent. This means that work may be done in a way that does not match documented processes. As well, when a team consists of more than one person doing the same type of work, it is important to have documented processes that are followed by the entire team. For this reason, it's best practice to standardize work by documenting processes and then verifying the process steps are still applicable and if so, are being followed as documented. If the process has changed then the new process should be documented and staff should be trained on the change. Having this type of documentation ensures that if there is staff turnover it will be easy to onboard and train new staff.

## Proposed Implementation Plan

One of the key recommendations involves hiring an additional administrative staff member at the County. This is a pivotal recommendation and, without that added resource, it is unlikely the backlog can be alleviated and some of the work currently being undertaken by the Senior Planner will have to remain with them. The Town does not have the authority to hire staff for the County; it can only make the recommendation. This is a risk since increasing the capacity in the Administrative team is pivotal to realizing many of the gains outlined previously.

However, assuming all the proceeding recommendations will be accepted and adopted, the implementation plan below describes when work should be undertaken. With the exception of cross-training, all recommendations should be in place within six (6) months of commencing implementation. Lean training and cross-training should be ongoing endeavors. However, if started immediately, there will be tangible gains in process improvement, capacity and employee satisfaction within the same 6-month timeframe.

### ***Immediately: 1-3 months***

- Begin the hiring process for an additional full time administrative staff member at the County
- Set a date for formal implementation of mandatory pre-application consultations (suggest March 1, 2023, or later)
  - Create a list of agencies that will be required at these weekly/bi-weekly meetings and communicate the plan to them
  - Set up recurring meetings with outside agencies and internal staff who will be involved in this process
  - Develop pre-application consultation resources:
    - Application
    - Fee and policy surrounding the fee (is the pre-application fee refundable if an application is submitted?)
    - Checklist for applicants to take away and address before submitting an application
    - Roles and responsibilities of Town and County employees
    - What to expect during the process
    - Standard timelines
- Create a list of work that can be shifted from the Senior Planner to appropriate Town/County staff. Identify any training needed to move this work
- Commence the work of updating Schedule A of by-law 3991
- Identify opportunities to cross-train employees and begin the training as time allows



***Medium Term: 2-6 months***

- Onboard the new Administrative staff and begin addressing the backlog
- Dismantle processes that were put in place to work around the backlog such as the tracking system
- Shift work from the Senior Planner to others as appropriate/available
- Work with specific development applications to test the pre-application consultation process and adjust as necessary based on any lessons learned
- Begin cross-training (this work is ongoing and does not have an end date)
- Consider and identify appropriate staff who would benefit the organization by having formal Lean training

***Longer Term: Over six (6) months***

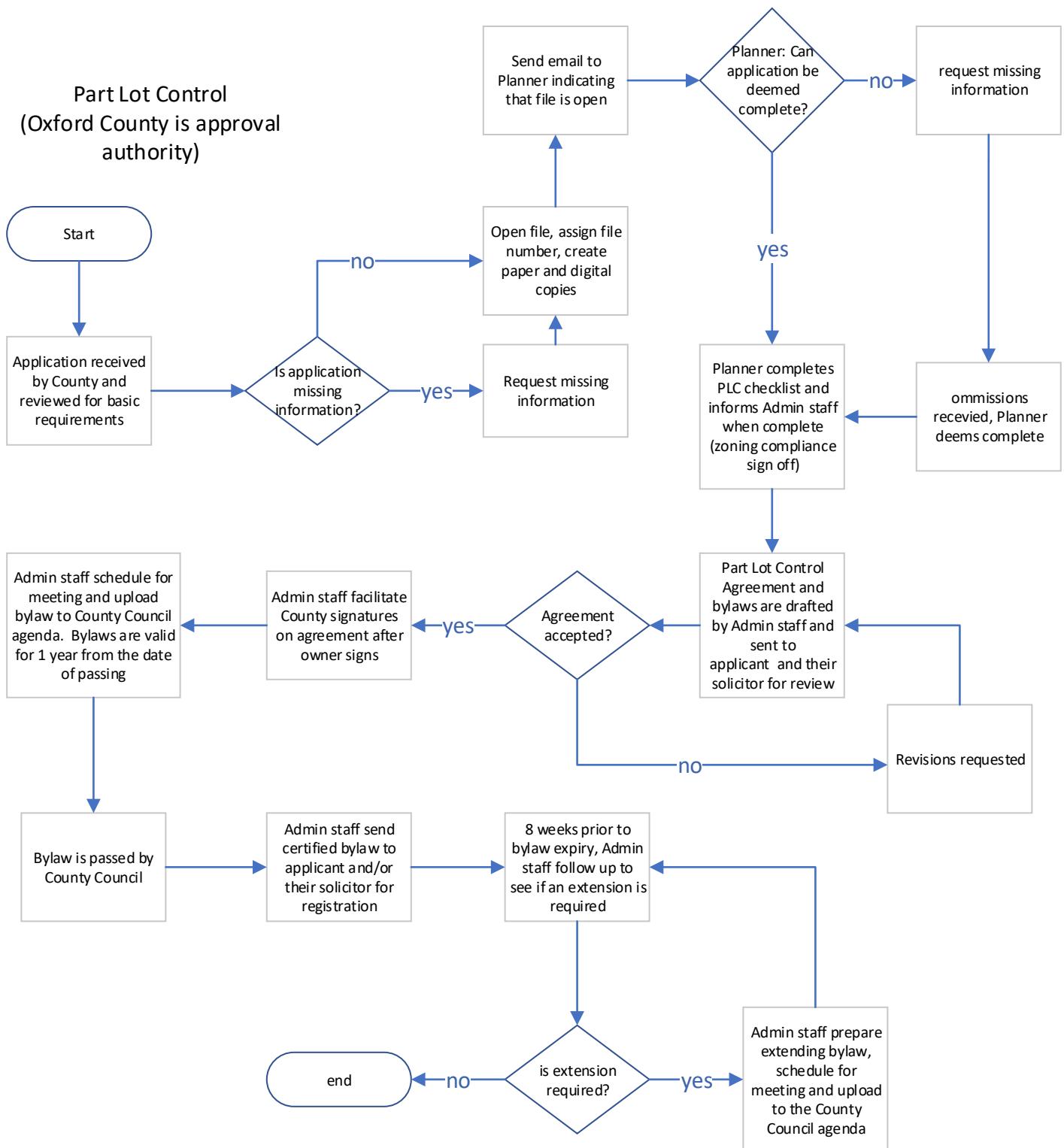
- Implement the pre-application consultation process
- Once the pre-application consultation process is running smoothly, look for opportunities to increase the number and type of applications that will go through this process



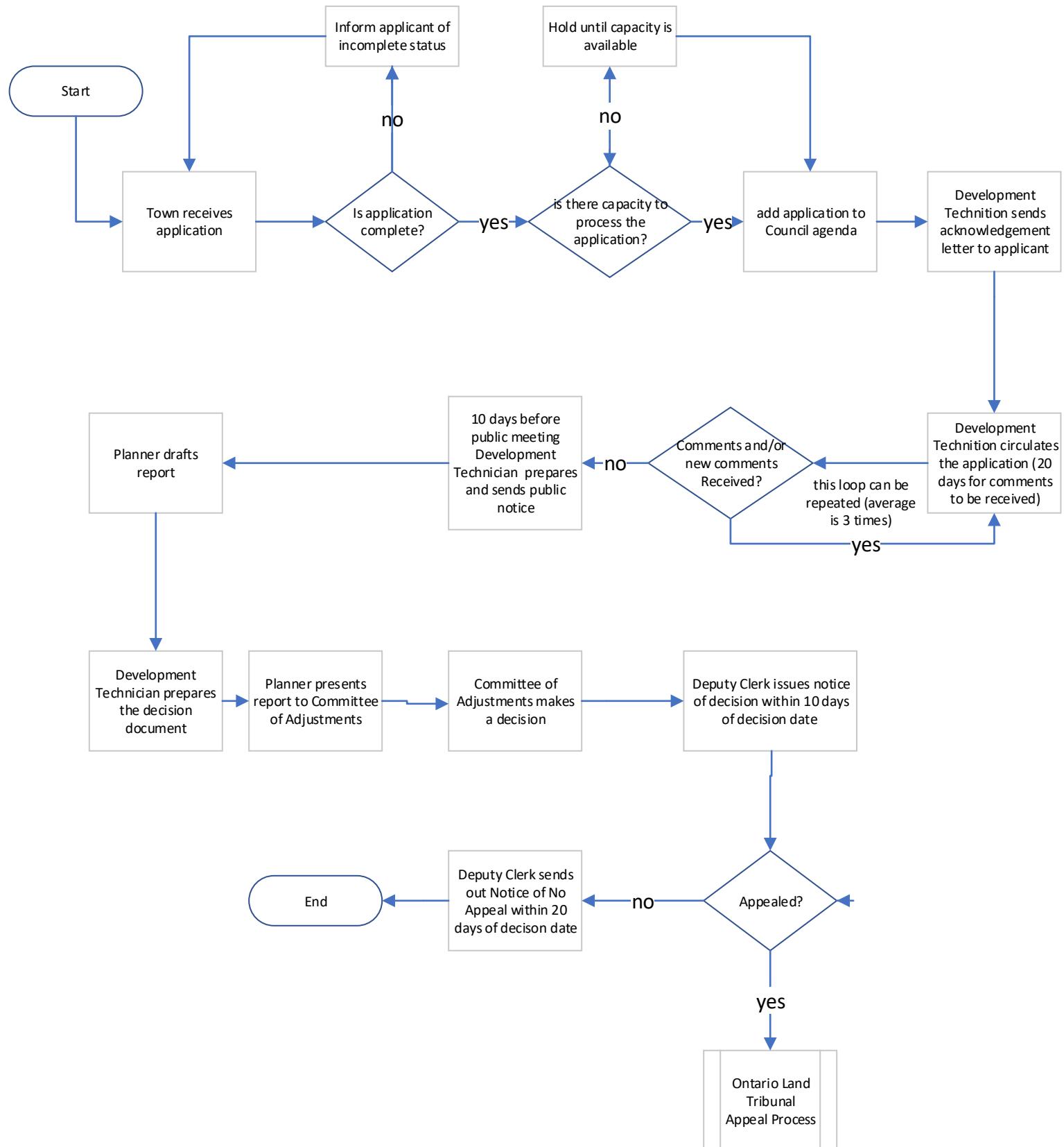
## Appendices

### Appendix A: Current State Process Maps

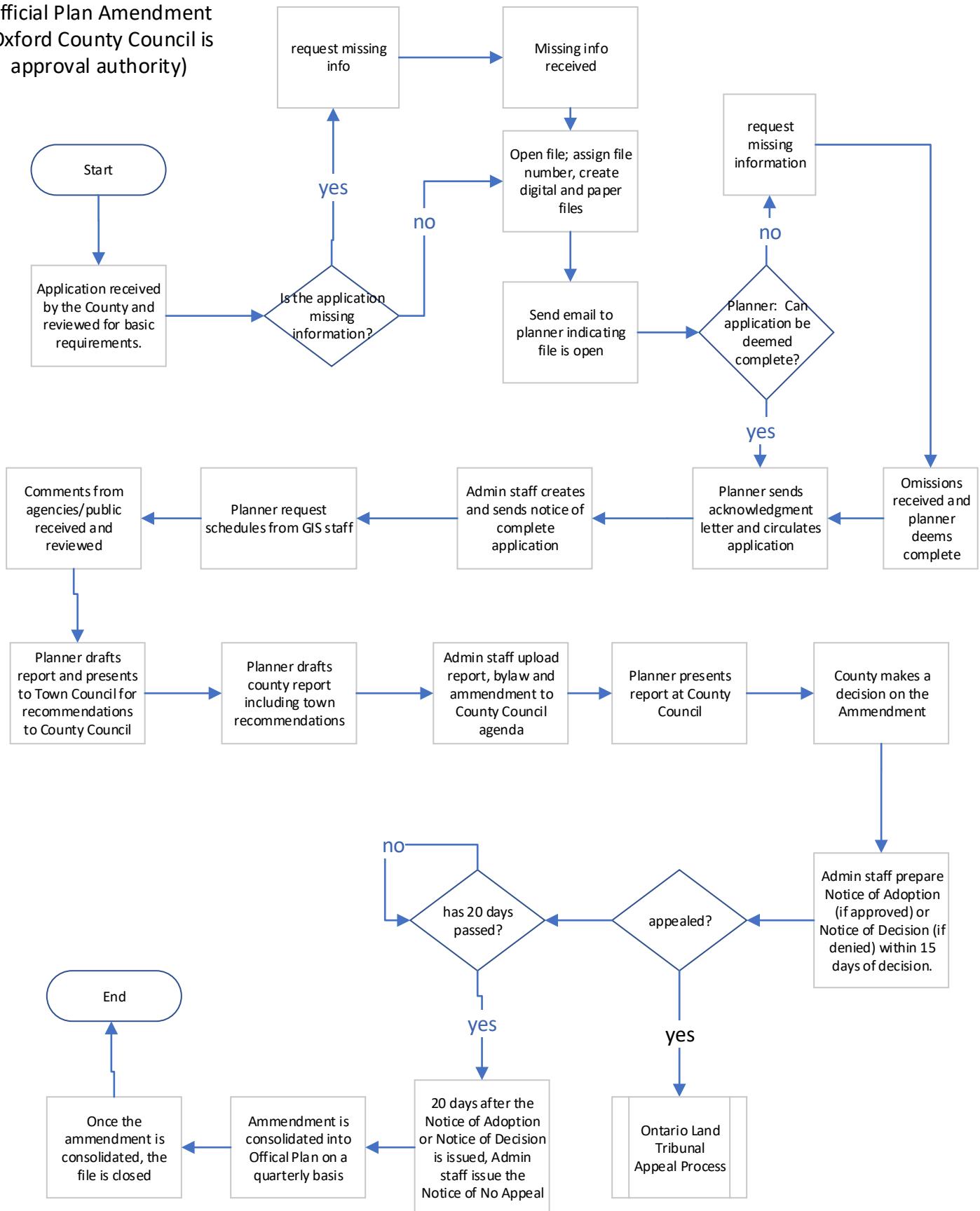
**Part Lot Control**  
 (Oxford County is approval authority)

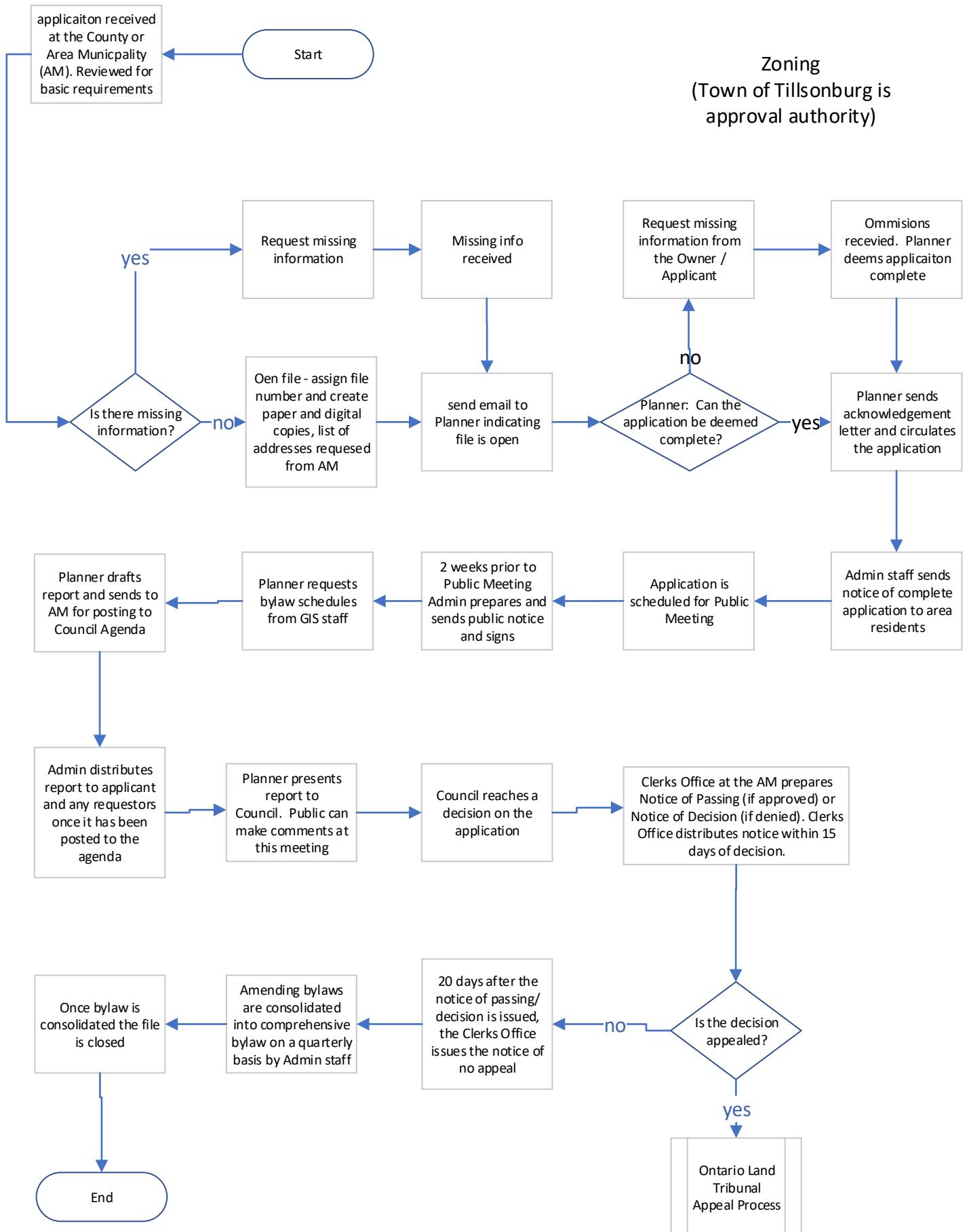


**Minor Variance**  
(Town of Tillsonburg is  
approval authority)



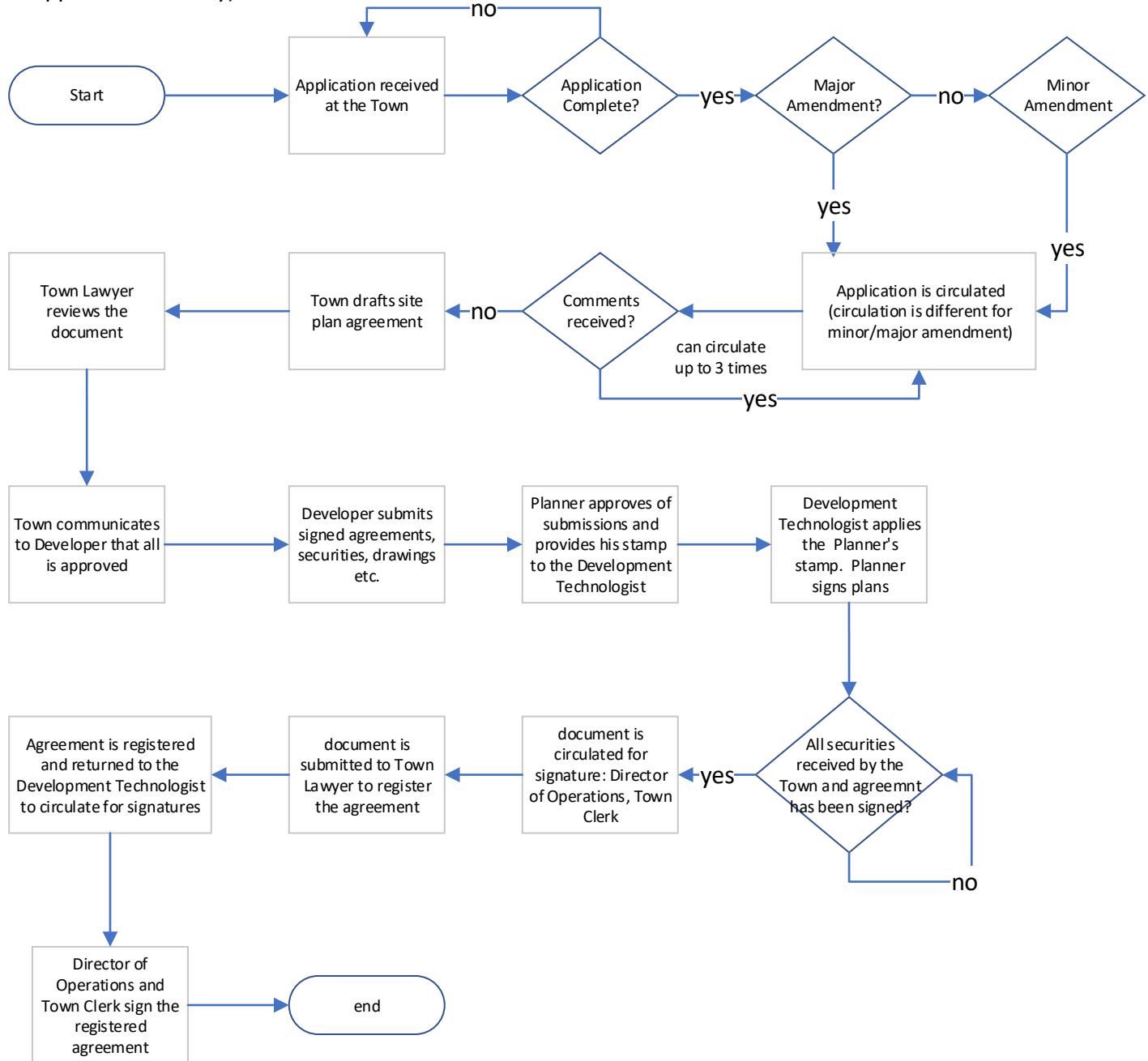
## Official Plan Amendment (Oxford County Council is approval authority)



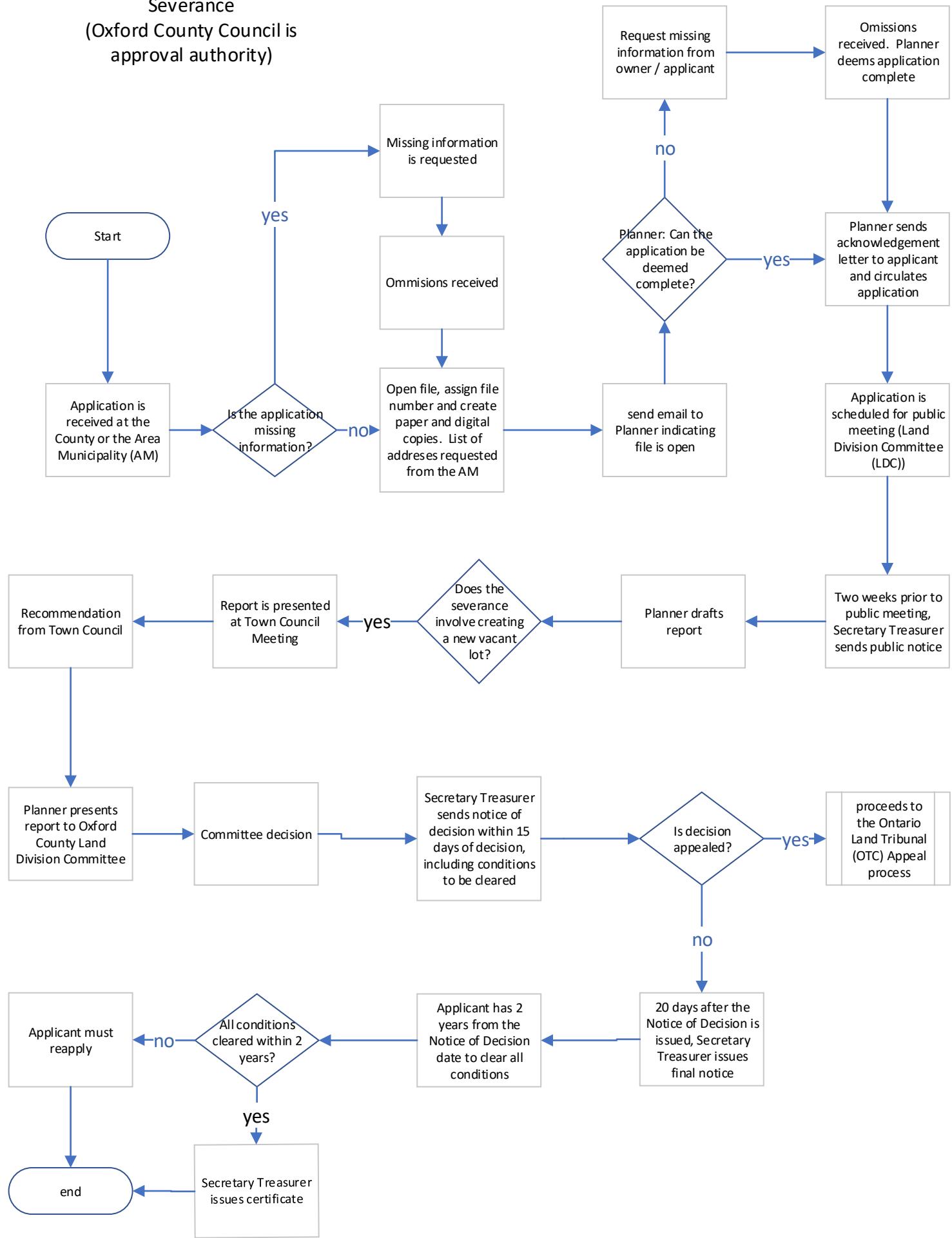


## Site Plan Approval Process

(Town of Tillsonburg is approval authority)



**Severance**  
**(Oxford County Council is approval authority)**





## Appendix B: Pre-Consultation Reference Material

**SCHEDULE "A"**

**TO**

**BY-LAW 3991**

**AGREEMENT**

**for the provision of**

**Planning Advisory and Administrative Services by**

**The County of Oxford Community and Strategic Planning Office**

**to**

**The Corporation of the Town of Tillsonburg**

**A. Purpose:**

The purpose of this Agreement is to set out the general terms regarding Planning Advisory and Administrative Services to the Corporation of the Town of Tillsonburg pursuant to Section 15 of the Planning Act, R.S.O. 1990, as amended.

**B. Terms and Definitions:**

- a) "County Clerk" shall mean the person duly appointed to hold the position of the Clerk of the County of Oxford, or his/her duly appointed delegate.
- b) "County Council" means the Council of the County of Oxford.
- c) "County Planning Office" means the Community and Strategic Planning Office of the County of Oxford, or other similarly constituted office or department of the County having the mandate and responsibility for reviewing matters related to land use planning under the Planning Act, R.S.O. 1990, as amended.
- d) "Director of Planning" means the person duly appointed to hold the position of the Director of Planning of the County Planning Office, or a person appointed by the Director as his/her delegate.
- e) "Local Area Council" means the Council of the Town of Tillsonburg.
- f) "Local Area Municipality" means The Corporation of the Town of Tillsonburg.
- g) "Municipal Clerk" means the person, duly appointed to hold the position of the Clerk of the Local Area Municipality, or his/her duly appointed delegate.
- h) "County of Oxford" or "County" means the County of Oxford.

**C. Development Review Services:**

The County Planning Office will provide professional planning advisory and administrative services to the Local Area Municipality as follows:

1. Provide information and advice to the general public, developers, agents, etc., municipal staff and other departments, boards and/or committees of the Local Area Municipality regarding land use planning matters within the Local Area Municipality. This may include attendance at meetings of said departments, boards and/or committees as may be necessary from time to time.
2. Maintain office hours in the Local Area Municipality to meet the needs of the municipality as is deemed by the Director of Planning, in consultation with the Local Area Municipality, to be appropriate and within the resources and capabilities of the County Planning Office. Where it is agreed that on-site service is appropriate, the Local Area Municipality shall be responsible for providing adequate work space for County Planning staff, to the satisfaction of the Director of Planning.
3. Serve as liaison between the Local Area Municipality and the County of Oxford's Geographic Information Systems (GIS) Department with respect to matters pertaining to the collection and use of GIS and related data.
4. Assist and advise applicants and/or their agents regarding the completion and submission of applications for amendments to the Local Area Municipality's Zoning By-law (including applications for Minor Variance) and applications for Site Plan Approval.

5. Undertake administrative activities and provide professional planning advisory services associated with development applications as follows:

i) Zoning By-laws / Amendments

- a) Undertake pre-consultation with respect to applications as may be requested by an applicant/agent and/or the Local Area Municipality.
- b) Receive applications filed directly with the County Planning Office or with the Local Area Municipality and review same for completeness. The completeness of an application will be determined by the County Planning Office in accordance with the applicable policies of the Oxford County Official Plan and/or as prescribed in the Planning Act, R.S.O. 1990, as amended. The County Planning Office will issue the required notice(s) regarding the completeness of an application in accordance with the applicable provisions and regulations of the Planning Act and will, as necessary, contact the applicant to obtain such additional information as may be required to deem an application to be complete. The determination of the completeness of an application, or the information necessary for an application to be considered complete, will be at the discretion of the County Planning Office.
- c) Circulate applications to prescribed persons and public bodies and prepare and circulate public notices in accordance with the applicable provisions and regulations of the Planning Act, R.S.O. 1990, as amended, or in accordance with the relevant modified or alternative notification policies contained in the County Official Plan and where such modified or alternative provisions have been adopted by the Local Area Municipality.
- d) Prepare reports for presentation to the Local Area Council based on a detailed review of the application and related information. Such reports will provide the details of the application; the comments received from agency circulation and public consultation; an overview of the relevant Provincial and Official Plan policies and other planning considerations; and the County Planning Office's professional planning opinion(s) and recommendation(s) with respect to the application. Reports will be provided to the Municipal Clerk prior to the Local Area Council meeting in a format suitable for publishing in the Local Area Council's agenda.
- e) Prepare Zoning By-law amendments, including all text and schedules, for consideration by the Local Area Council, as required.
- f) Attend Local Area Council meetings for the purpose of presenting the planning report and professional planning opinion(s) and recommendation(s) of the County Planning Office with respect to the application. The County Planning Office will respond to all relevant questions of the Local Area Council, the public and any other interested stakeholders during the Local Area Council's public meeting(s) at which the application is considered.
- g) The responsibilities of the Local Area Municipality regarding Zoning By-laws / Amendments are as follows:
  1. The Local Area Municipality shall provide to the County Planning Office a mailing list of all neighbouring properties to be notified of a complete application and any public meetings related to a development application, as prescribed by the Planning Act, R.S.O. 1990, as amended and/or the alternative notification policies contained in the County Official Plan where such alternative policies have been adopted by the Local Area Municipality.

2. The Local Area Municipality shall provide to the County Planning Office, in a timely manner and as prescribed by the Planning Act, R.S. O. 1990, as amended, all documents related to the decision(s) of the Local Area Council in respect of a development application.

ii) Minor Variance Applications

- a) Prepare reports for presentation to the Local Area Committee of Adjustment providing the details of the application, the comments received from agency and public circulation, the County Planning Office's professional planning opinion(s) and recommendation(s) with respect to the application. Reports will be provided to the Municipal Clerk prior to the Local Area Committee of Adjustment meeting in a format suitable for publishing in the Local Area Municipality's agenda.
- b) Attend Local Area Committee of Adjustment meetings for the purpose of presenting the planning report and related information and the professional planning opinion(s) and recommendation(s) of the County Planning Office. The County Planning Office will respond to all relevant questions of the Local Area Committee of Adjustment, the public and any other interested stakeholders during the Local Area Committee's public meeting(s) at which the application is considered.

iii) Site Plan Applications / Amendments

- a) Provide comments to the Local Area Municipality regarding applications for site plan approval or applications to amend an existing site plan approval and/or prepare reports for presentation to the Local Area Council, where requested. Where a report is prepared, said report will provide the details of the application; comments received from agency circulation; an overview of the relevant planning considerations; and the County Planning Office's recommendation(s) with respect to the application. Reports will be provided to the Municipal Clerk prior to the Local Area Council meeting in a format suitable for publishing in the Local Area Council's agenda.

iv) Appeals

- a) Where a decision of the Local Area Council regarding a Zoning By-law / Amendment, Minor Variance or Site Plan Approval / Amendment application is appealed to the Ontario Municipal Board (OMB) or other body having jurisdiction to hear an appeal, the County Planning Office may, at the discretion of the Director of Planning, provide professional planning evidence at any hearing(s) convened with respect to the appeal.

6. Prepare planning reports for Local Area Council consideration with respect to applications for Official Plan amendment or Draft Plan of Subdivision or Condominium where the lands subject to such applications are located within the Local Area Municipality. Planning reports for the purposes of this Section will be prepared and presented to Local Area Council as per subsection 5 i) d).
7. Prepare planning reports for Local Area Council consideration with respect to applications for Consent where the lands subject to such applications are located within the Local Area Municipality and where the Local Area Municipality has requested such reports be prepared. Planning reports for the purposes of this Section will be prepared and presented to Local Area Council as per subsection 5 i) d).
8. Regularly consolidate the Local Area Municipality's Zoning By-law, to reflect recent amendments and distribute said consolidations.
9. Prepare an annual year-end report of the development and other planning activities within the Local Area Municipality for the previous year.

**D. Land Use Planning Related Studies and Projects:**

1. The County Planning Office will provide professional planning advice, project management services and/or otherwise assist the Local Area Municipality in identifying and completing land use planning related studies and projects that are within the resources and capabilities of the County Planning Office.
2. The determination of what constitutes a land use planning related study or project and the ability and/or capacity of the County Planning Office to assist with such study or project, taking into consideration the Office's resources and capabilities, will be at the discretion of the Director of Planning.
3. The costs associated with any land use planning related study or project undertaken by the County Planning Office will be shared between the Local Area Municipality and the County in a manner determined by the respective Councils to be appropriate for the scope of the study or project.

**E. Minor Variances Directly Related to Consent Applications:**

1. The Local Area Council hereby transfers the administration and approval authority powers of the Local Area Council (as a "lower-tier municipality") under Sections 44 and 45 of the Planning Act, R.S.O. 1990, as amended, to the County of Oxford for those applications for Minor Variance from the Local Area Municipality's Zoning By-law that are directly related to any application for Consent submitted to the County under Section 53 of the Planning Act, R.S.O. 1990, as amended, subject to the following conditions:
  - a) that the application is for Minor Variance from the provisions of the Local Area Municipality's Zoning By-law that are deemed to be required as the direct result of the approval of an application filed with the County of Oxford for Consent pursuant to Section 53 of the Planning Act, R.S.O. 1990, as amended;
  - b) the determination as to whether a Minor Variance is the direct result of the approval of an application for Consent will be at the discretion of the Director of Planning;
  - c) the County of Oxford may delegate the approval authority for Minor Variances as described in a), above, to a duly appointed committee of the County of Oxford as constituted under Section 51.2 of the Planning Act, R.S.O. 1990, as amended.

**F. Fees:**

1. The fee for professional and administrative staff services outlined in this agreement will be covered by the annual levy paid by the Local Area Municipality to the County of Oxford, or as determined otherwise by resolution of the respective Councils.
2. All disbursements incidental to the provision of the Local Area Municipality's planning services by the County of Oxford, as outlined in this agreement, will be recorded separately and charged directly, at cost, to the Local Area Municipality. All such disbursements shall be invoiced and paid quarterly.
3. All fees collected by the County of Oxford on behalf of the Local Area Municipality (i.e. zoning by-law amendment application fees) will be remitted to the Local Area Municipality by the County of Oxford in a timely manner, as they are collected.

**G. Duration of Agreement:**

1. This Agreement shall remain in force and effect until terminated by either party.

2. This Agreement may be terminated by either party upon thirty (30) days written notice to the County Clerk or the Municipal Clerk.

**H. Review:**

1. The terms and conditions of this agreement shall be reviewed by the parties every five (5) years.

The terms and conditions of this agreement are hereby accepted.

County of Oxford

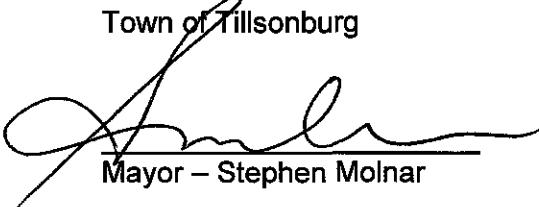


Peter M. Crockett, P. Eng.  
Chief Administrative Officer



Gordon K. Hough, RPP  
Director, Community and Strategic Planning

Town of Tillsonburg



Mayor – Stephen Molnar



Town Clerk – Donna Wilson

2016/02/25  
Date

Feb 10/16  
Date

(SEAL)

(SEAL)

## THE CORPORATION OF THE TOWN OF TILLSONBURG

### BY-LAW 2020-091

**A BY-LAW to adopt and maintain a policy with respect to the delegation of the Corporation of the Town of Tillsonburg's powers and duties and to repeal By-Law 4017.**

**WHEREAS** paragraph 270(1)6 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

**BE IT THEREFORE ENACTED** by the Council of the Corporation of the Town of Tillsonburg as follows:

**1. Definitions**

In this By-Law:

- a) "Act" shall mean the Municipal Act, S.O. 2001, c. 25.
- b) "Administrative Powers" shall mean those powers that a natural person could delegate and that relate to the management of the municipal corporation.
- c) "Legislative Powers" shall mean those powers that require policy setting and by-law making.
- d) "Officer" shall mean an employee of the Town holding some position of responsibility or authority.
- e) "Policy" shall mean a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.
- f) "Procedure" shall mean specific methods employed to express policies in action in day-to-day operations of the organization.
- g) "Quasi-Judicial Powers" shall mean those powers that require judgement and decision making. These decisions are based less on policy and procedure, and more on the adjudication of individual rights and duties.
- h) "Town" shall mean the Corporation of the Town of Tillsonburg.

**2. Powers that cannot be Delegated**

Section 23.3 (1) of the Act sets out the specific circumstances in which a municipality cannot delegate its powers or duties as follows:

- 2.1. appointing or removing officers of the municipality whose appointment is required by the Municipal Act (i.e. Clerk or Treasurer);
- 2.2. imposing taxes;
- 2.3. incorporating corporations;
- 2.4. adopting or amending the official plan;
- 2.5. passing zoning by-laws;
- 2.6. adopting or amending the municipal budget; and
- 2.7. other powers or duties as prescribed.

**3. Restrictions Regarding Delegation of Legislative and Quasi-Judicial Powers**

Legislative and quasi-judicial powers may only be delegated to the following:

- 3.1. one or more members of Council or a committee of Council;
- 3.2. a body having at least two members of whom at least 50 per cent are members of Council and/or Council appointees; or
- 3.3. an individual who is an officer, employee or agent of the Town, but only if the power delegated is of a minor nature.

4. Scope of Power

- 4.1. All delegations of Council powers, duties or functions shall be effected by by-law.
- 4.2. Unless a power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
- 4.3. A delegation may be restricted or revoked at any time without notice unless the delegation by-law specifically limits Council's power to restrict or revoke the delegation. This limitation to Council's power shall not extend beyond the term of the current council and will not restrict the power of succeeding councils to revoke the delegation.
- 4.4. A delegation may provide that only the delegate can exercise the delegated power or that both Council and the delegate can exercise the power jointly.
- 4.5. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including such conditions, approvals and appeals as Council considers appropriate.
- 4.6. Council has the authority to establish an appeal body to hear appeals or review decisions made under a delegated power as per Section 284.1 of the Act. This includes the power to determine procedures, powers and rules of those conducting the appeal.
- 4.7. Unless specifically authorized by statute or regulation, any delegation of Council decision-making powers and duties to any Board or Committee of Council shall be authorized by by-law. Such delegated powers and duties, if any, shall be set out in the terms of reference adopted by Council pursuant to the Town's Procedure By-law.

5. Authorization of Expenditures

- 5.1. Council has the ultimate authority for all expenditures. Council delegates this authority through the authorization of budgets, the purchasing policy or by specific resolution.
- 5.2. The Purchasing Policy sets out the authority for Procurement and sets purchase limits. It also provides direction on the circumstances in which certain purchasing mechanisms are appropriate (i.e. informal quotes, written quotes, tender submissions or requests for proposal).

6. Authority to Execute Agreements

- 6.1. Despite Section 5 (3) of the Act, Section 23.1 (3) provides that Council may require that the delegate act by by-law, resolution or otherwise.
- 6.2. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, this policy shall authorize a

Director to enter into an agreement and shall authorize the Director and the CAO or Town Clerk to legally bind the Corporation by jointly executing said agreement without by-law approval if the following criteria are met:

- 6.2.1. the subject matter is non-financial;
- 6.2.2. the subject matter is financial or procured in accordance with the purchasing policy and for which approved operating or capital budget exists;
- 6.2.3. the subject matter is of an administrative or operational nature and relates to the management of the municipal corporation; and
- 6.2.4. the agreement is for a term not exceeding five (5) years.

7. Town Clerk and Director of Operations

7.1. Planning Agreements

- 7.1.1. Section 5 (1) of the Planning Act, R.S.O. 1990 provides that Council may, by by-law, delegate any authority, subject to certain restrictions, to an appointed officer identified in the by- law either by name or position occupied.
- 7.1.2. Whereas it is desirable and expedient in the conduct of Council's affairs in respect to the Planning Act, R.S.O. 1990 Section 30, 41, 50,51 and 53 to delegate certain powers and duties to appointed officers for the purpose of expediting the execution of certain agreements, this policy shall authorize the Town Clerk and the Director of Operations to execute on behalf Of the Corporation of the Town of Tillsonburg:
  - 7.1.2.1. community improvement plan agreements;
  - 7.1.2.2. development agreements for the purpose of site plan control;
  - 7.1.2.3. part lot control agreements;
  - 7.1.2.4. severance agreements;
  - 7.1.2.5. easement agreements;
  - 7.1.2.6. pre-servicing agreements; and
  - 7.1.2.7. subdivision agreements.

8. Chief Administrative Officer (CAO)

8.1. Appeal of Planning Decisions to the Ontario Municipal Board

- 8.1.1. Section 5 (1) of the Planning Act, R.S.O. 1990 provides that Council may, by by-law, delegate any authority, subject to certain restrictions, to an appointed officer identified in the by- law either by name or position occupied.
- 8.1.2. Whereas it is desirable and expedient in the conduct of Council's affairs in respect to the Planning Act, R.S.O. 1990 to delegate certain powers and duties to staff, and for the purpose of lodging appeals prior to the end of an appeal period for a planning application, this policy shall authorize the CAO, in consultation with the County Development Planner to appeal the decision of a planning application on the basis of

sound planning reasons, subject to the appeal being confirmed by Council at the following Council session.

**8.2. Minor Sign Variances – Sign By-Law 3798**

- 8.2.1. Section 23.1 (1) of the Act provides that a municipality may "delegate its powers and duties under this or any other Act to a person or body" subject to certain restrictions.
- 8.2.2. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, and for the purpose of shortening the time period required to process applications for Minor Sign Variances, this policy shall authorize the CAO or his/her designate to consider minor sign variances applications with regard to:
  - 8.2.2.1. Special circumstances or conditions applying to the property, building or use;
  - 8.2.2.2. Pre-existing special circumstances or conditions not created by the owner;
  - 8.2.2.3. Sign will detrimentally alter the character of the building, property or area; and
  - 8.2.2.4. The general intent and purpose of the Sign By-law is maintained.
- 8.2.3. Whereas applications that are considered not to be minor in nature will be considered by Town Council and any minor variance applications at the discretion of the CAO to be determined not to be minor in nature will be considered by Town Council for final decision.

**8.3. Restricted Acts after Nomination Day (By-Law 3444)**

- 8.3.1. In the event that Council becomes "lame duck" and restricted by the provisions of Section 275 of the Municipal Act, 2001 in an election year, the following duties shall hereby be delegated to the CAO:
  - 8.3.1.1. the appointment or removal from office of any officer of the municipality, except officers whose appointment is required by the Municipal Act (i.e. Clerk or Treasurer);
  - 8.3.1.2. the hiring or dismissal of any employee of the municipality;
  - 8.3.1.3. the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, if the disposition was not included in the most recent budget; and
  - 8.3.1.4. making any expenditure or incurring any other liability which exceeds \$50,000, if the liability was not included in the most recent budget.
- 8.3.2. Section 275 (6) provides that nothing in the Act "prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day".

9. Town Clerk

9.1. Municipal Freedom of Information and Protection of Privacy Act (By-Law 2535)

9.1.1. Section 3 (1) of the Municipal Freedom of Information and Protection of Privacy Act, 2001, R.S.O. 1990 provides that the members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipality for the purposes of the Act.

9.1.2. Section 49 (1) of the Municipal Freedom of Information and Protection of Privacy Act further provides that a head may in writing delegate a power or duty granted or vested in the head to an officer of the institution.

9.1.3. Whereas it is desirable and expedient in the conduct of Council's affairs to designate a head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act and to delegate certain powers and duties vested in the head to an officer of the corporation, this policy shall designate the Mayor as head and shall authorize the Town Clerk or his/her designate to act as head pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

9.2. Records Retention (By-Law 3933)

9.2.1. Section 3 (1) of the Municipal Freedom of Information and Protection of Privacy Act, 2001, R.S.O. 1990 provides that the members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipality for the purposes of the Act.

9.2.2. Section 49 (1) of the Municipal Freedom of Information and Protection of Privacy Act further provides that a head may in writing delegate a power or duty granted or vested in the head to an officer of the institution.

9.2.3. Whereas it is desirable and expedient in the conduct of Council's affairs to designate a head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act and to delegate certain powers and duties vested in the head to an officer of the corporation, this policy shall designate the Mayor as head and shall authorize the Town Clerk or his/her designate to act as head pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

9.3. Licensing of Businesses with the Town of Tillsonburg (By-Law 3666)

9.3.1. Whereas Section 150 & 151 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, without limiting the broad powers granted to municipalities through sections 9, 10 and 11 of the Municipal Act, 2001, c. 25 provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality.

9.3.2. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, this policy shall authorize the Town Clerk or his/her designate to act as Licensing Officer for the purpose of issuing a Business License pursuant to the terms and conditions set out in the current By-Law to govern the licensing of businesses within the Corporation of the Town of Tillsonburg.

#### 9.4. Municipal Significant Events

9.4.1. Whereas the Alcohol and Gaming Commission of Ontario (AGCO) Regulation 389/91 requires that an organization that is not a registered Charity Organization or does not have a not for profit organization designation, they must be designated as a 'municipal significant event' by the municipality in order to obtain a Special Occasion Permit (SOP).

9.4.2. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, this policy shall authorize the Town Clerk or his/her designate to provide the designation for the purpose of obtaining a Special Occasion Permit from the AGCO.

#### 9.5. Site Plan Control (By-Law 3513)

9.5.1. Section 5 (1) of the Planning Act, R.S.O. 1990 provides that Council may, by by-law, delegate any authority, subject to certain restrictions, to an appointed officer identified in the by- law either by name or position occupied.

9.5.2. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, and for the purpose of shortening the time period required to process applications for Site Plan Control, this policy shall authorize the Town Clerk and the County Development Planner to:

9.5.2.1. sign final site plans for the purpose of indicating that final approval has been granted by the approval authority and is acceptable for registration purposes;

9.5.2.2. grant extensions of site plan approval; and

9.5.2.3. change the conditions of site plan approved plans and draft approved site plans.

### 10. Director of Operations

#### 10.1. Encroachment on Municipal Land (Policy Aug 12, 2013 Council Resolution)

10.1.1. Whereas it is desirable and expedient in the conduct of Council's affairs in respect of encroachments on Municipal land to delegate certain powers and duties to appointed officers for the purpose of expediting the execution of certain agreements, this policy shall authorize the Director of Operations and the Town Clerk to approve and jointly execute on behalf of the Corporation of the Town of Tillsonburg encroachment agreements for the purpose of allowing

certain encroachments on town owned land for a determined period of time. In addition, The Director of Operations or his/her designate shall be authorized to approve temporary encroachment permits on municipal land for a short period of time.

#### 10.2. Temporary Road Closures

10.2.1. Whereas it is desirable and expedient in the conduct of Council's affairs to delegate certain powers and duties to staff, this policy shall authorize the Director of Operations or his/her designate to temporarily close a road or any part of it under the jurisdiction of the Town for any period.

10.2.2. Such a temporary road closure is appropriate in the following circumstances:

10.2.2.1. during construction, repair or improvement of the road or any works under, over, along, across or upon it, where the construction, repair or improvement is initiated either by the Town or a utility company with a statutory right of access or an access agreement with the Town allowing occupancy of the highway OR where it is privately initiated by other than a utility company with a statutory right of access or an access agreement with the Town allowing occupancy of the highway but only for a period not exceeding 21 days;

10.2.2.2. where, in the opinion of the Director of Operations or his/her designate, environmental factors such as, but not limited to, flooding of the road, erosion of the roadbed, trees or tree limbs fallen across or along the road, or other material lying or being upon the road, would present a hazard to the traveling public;

10.2.2.3. to facilitate a social, recreational, community, athletic, or cinematographic event, or any combination of them where the organization requesting the event accepts the responsibility for establishing suitable detour roads, erection and removal of barricades and signs, maintenance and restoration of detour roads and all associated costs, provide \$5,000,000.00 liability insurance naming the Town as an additional insured, and holds the Town harmless from any action or cause or style of action; or

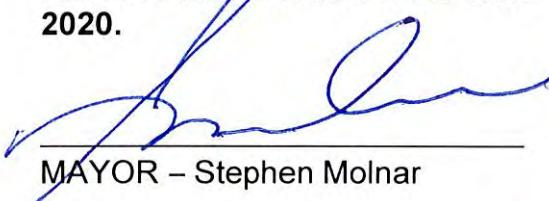
10.2.2.4. to facilitate the movement of an oversized load.

11. THAT By-Law 4017 is hereby repealed.

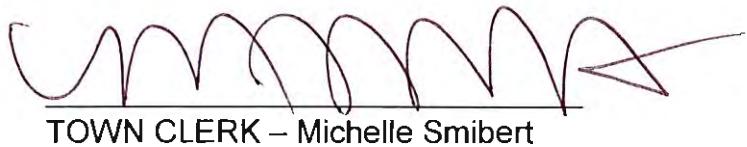
12. THAT this By-Law shall come into full force and effect upon passing.

**READ A FIRST AND SECOND TIME THIS 14th day of SEPTEMBER, 2020.**

**READ A THIRD AND FINAL TIME AND PASSED THIS 14th day of SEPTEMBER, 2020.**



MAYOR – Stephen Molnar



TOWN CLERK – Michelle Smibert