



**AMM President Kam Blight – Speaking Notes
April 19, 2021**

**Bill 37: The Planning Amendment and
City of Winnipeg Charter Amendment Act**

Good Evening Everyone,

On behalf of the Association of Manitoba Municipalities (AMM), I would like to thank you for the opportunity to present municipal priorities related to Bill 37.

My presentation tonight will discuss our concerns related to this proposed legislation as well as outline possible amendments to provide greater reassurance and clarity for our members.

To be absolutely clear, we do have some fundamental concerns about this Bill – but before I get to them, I want to put these concerns in a larger context.

Manitoba municipalities are achieving landmark levels of growth. In fact, municipalities outside of Winnipeg contribute a full 35 per cent to Manitoba's total GDP while boasting some of the fastest growing communities in Canada as they've attracted large multinational developments and some of the largest residential growth in decades.

Thus, municipalities help fuel Manitoba's economy – we are Partners in Growth.



And we know that the Province already understands that Manitoba municipalities are doing great work in approving private investments.

The Province said so right in the Throne Speech – where the government rightly took some credit for delivering the fastest rate of growth in private capital investment in Canada.

But the right thing to do is to share credit – because local Councils are on the front line when it comes to approving major capital investments here in Manitoba.

For the most part, we've been saying yes to major investments.

We've been saying yes to major growth projects.

And we've been saying yes to major residential developments – when and where it makes sense to do so.

Around the average municipal Council table here in Manitoba, there is years or even decades of experience at balancing...

- Employment and industry
- Infrastructure
- The environment
- Taxes and fees
- and other local priorities.



Yet, our Association and our member municipalities were not consulted by the original Task Force that led to Bill 48, Bill 37's predecessor.

Prior to introduction of this legislation, we saw very little in the way of input from participants who would understand first-hand how it would play out in local communities.

So, if it seems like the AMM is making last-minute proposals to improve this legislation it's because we are trying to make up for lost time.

With that said, after Bill 37 was introduced engagement with our Association has increased, which we welcomed.

We have also appreciated the opportunity to participate in the multi-stakeholder Working Group to bring forward and discuss municipal concerns. We thank Minister Johnson for kick-starting and supporting this initiative.

We acknowledge Bill 37 does include some positive changes from Bill 48.

For example, the Bill now includes a mandatory three-year review – that's positive.



Municipalities now have a right to be consulted by the Minister of Municipal Relations before the creation of any additional regional planning regions – that’s positive.

However, there is still the risk of municipalities being forced into regions in the end.

While the proposed timelines to file an appeal are still slower than in any other province with a similar framework, there are at least some clear timelines for the Municipal Board to process an appeal. [Pause]

However, significant risks remain...and in fact, all we have to do is look across our border to see how these risks may impact Manitobans if left unaddressed.

In Ontario, for instance, the government initially made appeals too easy and appeals boards too powerful which led to a massive backlog, with delays of eighteen months or even two years to get to a hearing.

At one point, the backlog reached a thousand cases.

Again, I repeat: One. Thousand. Cases.

The backlog has decreased somewhat but it remains to this day.



Overall, waiting years for an appeal to run its course isn't "streamlining" development approvals – it's adding red tape and uncertainty.

Giving applicants the right to appeal without even requiring them to explain their grounds for appeal also isn't "streamlining development approvals" – it encourages the fast tracking of an appeal to circumvent local decisions made by democratically-elected local Councils.

And giving the Municipal Board the power to override local decisions undermines the authority and autonomy of municipal officials.

So, you can see why we're worried...but we're trying to be as constructive as we can in addressing these worries.

That's why we are proposing specific amendments to Bill 37 to at least include some of the basic standards we see in other provincial planning statutes.

I'm talking about standards that are designed to try to keep the process speedy, fair and most of all, democratically respectful.



Our six amendments would:

1. Require anyone filing an appeal to state their reason for appealing in the filing;
2. Limit permissible grounds for appeal to be consistent with laws in other provinces;
3. Limit appeals to those already engaged in the process;
4. Limit the scope of appeal decisions so that the Municipal Board could not become a new level of government by writing its own laws or imposing new costs on taxpayers;
5. Further reduce appeals timelines to come into line with other provincial standards; and
6. Impose accountability measures on the Manitoba Municipal Board in the event that delays in hearing or closing appeals cause a backlog.

All six of these features are present in other provincial planning appeals statutes, but not in Manitoba's Bill 37.

In Alberta and Ontario, you're required to state why you're appealing right in your notice of appeal.

In Saskatchewan, Nova Scotia, Ontario and Alberta, there are specific limits to why you can appeal.

In Ontario, you can't appeal unless you've already been a part of the process.



In Saskatchewan and Alberta, appeals boards are limited in how much they can rewrite the law.

Nova Scotia even specifies that appeals boards can't impose costs onto taxpayers to support a development – and rightly so, since Councils are supposed to be guarding the public purse.

These examples illustrate the need for clear parameters in the Bill to guide the appeals process, so appeals are a last resort not the first step.

Every other province that has specific guidelines on when appeals can happen has faster timelines than we do – so if our goal is to reduce red tape, why can't we reduce the timelines for appeals as well?

Additionally, Bill 37 also states that each member municipality in the Capital Region will have at least one representative on the Capital Region Planning Board. It is essential that municipalities retain the sole authority to appoint individuals, including elected officials, at their discretion to serve on this board.

We've heard from the beginning the argument that Bills 48 and 37 were simply a matter of copying best practices from other provinces.



All we are asking your Committee to do is to be consistent with that claim and add in the safeguards we see in other appeals laws in other provinces.

We don't want to be right about the risk that a backlog of appeals locks up critical developments in this province.

But if we are right, and Ontario's experience suggests we could be – then the opportunity to fix that is right in front of us.

Manitobans shouldn't have to potentially wait for a three-year review down the road when the provincial government can take steps now to mitigate this unnecessary risk.

We respectfully hope that copying safeguards from legislation in other provinces can make it easier for you to take that opportunity while we can.

In closing, the AMM wishes to thank the Minister of Municipal Relations once again for making amendments to the first bill to help address several significant concerns on the regional planning side, and we wish to thank to all MLAs and legislative staff for your ongoing efforts as we all live and work through these challenging times.

If you have any questions for me, I would be happy to answer them.