



AMM President Kam Blight – Speaking Notes May 24, 2022

Bill 33: The Municipal Assessment Amendment and Municipal Board Amendment Act

Good Evening Everyone,

My name is Kam Blight – I'm the Reeve of the RM of Portage la Prairie, and I am speaking today as President of the Association of Manitoba Municipalities (AMM).

On behalf of the AMM, I would like to thank you for the opportunity to present municipal priorities related to Bill 33.

My presentation tonight will focus on three key areas:

- First, I want to talk about the appeals issue that Bill 33 is partly meant to solve;
- Secondly, I want to express our gratitude for the changes proposed; and



- Lastly, I want to urge the Province to keep acting on opportunities to address municipal concerns.

The more we tighten up the Bill 37 model into a true appeals system

- the better it is for local democracy,
- the better it is for the province's economy,
- and the better it is for the government's own development objectives.

[PAUSE]

First, let's start with the challenge.

In 2020, Premier Pallister's government tabled Bill 48, which later became Bill 37.

The original Bill was written on the recommendation of a task force that rarely met, consulted few, and did too much to extrapolate Winnipeg's challenges as if they applied equally across the province.



We were told a stronger land use appeals system was needed to make sure we said yes to more developments.

It's not clear how that claim was fair, since the 2021 census reconfirms that several Manitoba municipalities are growing more rapidly than we've seen in decades. In fact, some Manitoba municipalities are among the fastest growing in Canada.

The AMM responded with constructive suggestions to try to limit the high risk of appeals backlogs and unaccountable decisions within the proposed model.

[PAUSE]

As AMM President, it's important for me to remind MLAs that we are an association of GOVERNMENTS.

Our members have hundreds of years of combined experience in land use policy and regulation between us.



We know from firsthand experience that for developers or development critics, paying a fee for an appeal is a small price to pay for a second shot at their desired outcome.

The easier it is for anyone to appeal, the more likely it is that government approvals would turn into a practice round for final adjudication in front of the unelected Municipal Board.

Ontario's appeals model is closer to Bill 37 than any other, and Ontario is already on their second round of millions of dollars in new hiring and spending to try to clear their backlogs.

In the Ontario Land Tribunal's last annual report, they reported a caseload of 1858 active land use appeals – and they had only managed to resolve 560 by year's end.

This leaves billions in development projects trapped in limbo, waiting to get to the hearing stage.

That's the biggest problem Bill 33 is meant to solve, which brings me to my second – more positive – point.



We always give credit where it's due.

Bill 33 confirms that the new government is listening.

Let me be clear, this Bill does respond to our key recommendations to varying degrees.

The Bill also seeks to manage appeals volumes by allowing for dispute resolution before a hearing.

When we first saw Bill 37, we encouraged the government to consider six specific changes. Each one drew on a safeguard already in place in at least one other province's appeals legislation.

To recap, we proposed that the system should:

1. Require anyone filing an appeal to state their reason for appealing in the filing;
2. Limit permissible grounds for appeal;
3. Limit appeals to those already engaged in the process;
4. Limit the scope of appeal decisions so they couldn't clash with municipal or provincial plans;



5. Further reduce appeals timelines to match other provincial standards; and
6. Impose accountability measures on the Municipal Board just as you have on municipalities.

Acting on all these six recommendations would turn the Bill 37 model into a true appeals system that respects the decisions of local Councils who know their communities best.

As noted, Manitoba Municipal Relations has responded to all of our recommendations to varying degrees and we appreciate our ongoing dialogue with the department.

We agree that the government has taken positive steps on recommendations #1, #2 and #5, both in this Bill and in Bill 34.

Although, the department notes that recommendations #3, #4 and #6 may be potentially addressed under other statutes – this leaves the scope of appeal decisions potentially somewhat still up for interpretation.



Some of these recommendations may also be further clarified under other processes at an unspecified point in the future.

While we appreciate the government's response and clear action that has been taken to address our concerns, we believe greater clarity can still be provided to all stakeholders, particularly as legislation is being opened up now and amendments are being proposed.

Therefore, I would like to restate – our goals here are the same: to better manage the speed, scope and accountability of the new appeals system so that it works smoothly and quickly for all Manitobans.

[Pause]

In closing, the AMM wishes to once again thank Minister Clarke, Deputy Minister Gray and departmental staff for working collaboratively to get us much further ahead on this challenge.



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