

## Executive Summary

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The Develop Permit System is a recent addition to Ontario's land use planning framework. The approvals process combines aspects of three existing planning tools, zoning, minor variances, and site plan control, into a single application process. The primary objective of the DPS is to streamline approvals and add certainty to the development process while maintaining Ontario's fundamental planning principles.

Minor variances, one of the processes that the DPS replaces, have been an integral part of land use planning in Ontario for over half a decade. Dictated by Section 45 of the *Planning Act*, minor variances allow for small changes to standards established by zoning regulations. Minor variances are decided by four tests, which were established by the legislature and reinforced through judicial debate. Committees of Adjustment must ensure that applications for a minor variance are i) minor; ii) desirable for the appropriate development of the land; iii) conform to the intent and purpose of the official plan; and iv) conform to the intent and purpose of the zoning by-law.

The Development Permit System has been introduced with minimal directives for establishing a decision making process. This is in opposition to the long established process for minor variances and suggests that the Development Permit System does not necessarily incorporate all of Ontario's fundamental planning principles. From this concept, the study aimed to identify how minor variances are incorporated into the Development Permit System. In order to examine this topic, the research was based around the following research questions:

- How are 'minor variance' applications processed within the DPS?
- To what extent do the four tests of a minor variance influence the outcomes of lower level applications in the DPS approval process?

A case study approach was used for this research. The single-case design employed both qualitative and quantitative research methods including a review of academic literature, court cases, and official documents, as well as a content analysis of Class 1, 1A, and 2 Development Permit application files from the Town of Carleton Place that were decided between 2011 and 2015.

Upon the completion of the content analysis, it was found that minor variance issues were most commonly assigned to Class 1 applications. Planning staff generally met approval timelines and embraced their delegated approval authority, readily attaching conditions to applications in order to mitigate off-site impacts. While staff met the regulatory requirements of the DPS, 'minor variance' applications were largely decided on impact alone, demonstrating that the principles established by the four tests, the defining quality of the minor variance approval process, had not transferred to the Development Permit System. Alternatively, there was some evidence that the development community has not fully adjusted to the requirements of the new approvals process, as some applications were supported using a rationale containing the four tests.

Subsequently, a set of four recommendations were offered which reflect the main themes established by the findings. The first two recommendations are directed towards the Province, the third to municipalities and the fourth to developers and planning consultants:

- 1) Amend Ontario Regulation 608/06 so that provisions under Section 4(3)(e) fall under Section 4(2).
- 2) Change the rhetoric from "combining elements of minor variances" to "replacing minor variances".
- 3) Establish clear evaluation criteria.
- 4) Understand the evaluative criteria of the municipality in which you are working.