

ENVS 6165: LAND USE PLANNING LAW

Calendar Description

Examination of law relating to planning and development, with emphasis on the Canadian context. Topics include land use, real estate, urban and regional planning.

Course Director Oren Tamir, MES
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Oren is a Director of Community Planning in the City of Toronto. Previously he was the Manager for Midtown, the Senior Planner, Planner and Assistant Planner in Toronto's Downtown and Midtown neighbourhoods. His primary responsibilities included the coordination, assessment and evaluation of development applications such as Zoning By-law and Official Plan Amendments, Site Plan, Rental Housing Conversion and Condominium Applications. Oren also project managed planning studies and has been qualified by the Ontario Land Tribunal as an expert in land use planning.

Class Details: Wednesday Evenings, 6:00 PM – 8:50 PM

Classroom: HNES 401

Office Hours: By appointment only

Purpose and Objectives of the Course:

This course focusses on the practice and legal framework of land use planning in Ontario. This course has been designed to teach future land use planners the suite of land use tools and their advantages, impacts and limitations when developing policy and shaping developments. The course begins with the overall legal framework in Canada, Provincial and Municipal powers, and then transitions into the statutory tools used by municipalities across Ontario. The course will use case law, case studies, municipal staff reports and current events to develop a strong understanding of the Ontario *Planning Act* and other Provincial legislation.

The specific learning outcomes for the course include:

- A strong foundation of Ontario's legal framework related to Land Use Planning;
- Ability to navigate the Ontario *Planning Act* and other Provincial legislation regarding a host of planning related matters;
- Familiarity with Ontario plans, like the Growth Plan for the Greater Golden Horseshoe;
- Develop the knowledge to review and comment on Committee of Adjustment applications as an expert in the field of Land Use Planning;
- A strong understanding of the planning tools available in the *Planning Act* and other relevant legislation, such as the *Heritage Act*, which enable Planners in Ontario to regulate land use, develop policy and shape developments and communities;
- To understand the role of the Ontario Land Tribunal; and
- To be able to describe and critically evaluate the land use planning process in Ontario.

Organization of the Course:

The classes will be lecture and discussion format. We will also have guest speakers from a variety of professions, and opportunities for students to raise issues related to their own research.

A detailed list of lecture topics, guests, workshops and assigned readings (including case law) will be posted to eClass. Remember to check the eClass often as readings may change from week to week as the course progresses. There is no course text this year – because the Legislation is currently in transition. Previously we have relied on the *Ontario Planning Legislation & Commentary* (LexisNexis). You are required to have a copy of the Ontario Planning Act (either in print or digitally) on hand for each class.

The classes will be structured based on the themes outlined below. The theme of public participation in the planning process will be discussed throughout the course. A detailed reading list will be provided on the course eClass.

Class Date	Title
Jan 10, 2024	Connecting the dots! The roadmap and overview of the course. Course Introduction and the Legal Framework of Planning in Ontario
Jan 17, 2024	"I've Got The Power!" – establishing the rules. Provincial Powers, Interest and Vision
Jan 24, 2024	Creatures of the Province! Municipal Powers and Role in Planning
Jan 31, 2024	How Does a City Grow? Official Plans: Municipal Vision and Policy
Feb 7, 2024	What's Zoning? What's a Minor Variance? Who said anything about 4 tests? Land Use Controls (Part 1) – Zoning and CoA
Feb 14, 2024	Now this is getting interesting! We can regulate that? Land Use Controls (Part 2) – Inclusionary Zoning, Holding Provision, CBCs, etc.
Feb 21, 2024	READING WEEK – No Class
Feb 28, 2024	Ontario Land Tribunal and the Toronto Local Appeal Body Appeals? Expert Witness?
Mar 6, 2024	It's time for pretty pictures! What does the building look like? Where's the access? Site Plan Control and Urban Design
Mar 13, 2024	You will never look at a condo the same way again! Subdivision of Land – The Four Ways to Divide Land in Ontario
Mar 20, 2024	It's not just about the built environment! Parkland and the Environment
Mar 27, 2024	How did they demolish that? Wasn't it Heritage? Heritage Conservation, Archaeological Management, and First Nations and Metis Consultation
Apr 3, 2024	Now that it's the last class, am I permitted to build? Building Permits and Demolition Control

Evaluation

The course evaluation is based on a Pass/Fail grade. Students will be evaluated based on the following breakdown:

Expert Witness Statement	50% (Part 1 – 15%, Part 2 – 35%)
PowerPoint Presentation to Resident Association <u>or</u> Participation in Mock OLT hearing with Windsor Law class	20%
Critique #1 (Legal/Tribunal Decision)	10%
Critique #2 (Legislative/Policy)	10%
Attendance	10%

Expert Witness Statement

Students will review a Minor Variance application and write an Expert Witness Statement. Part 1 will include your qualifications, site description and policy context (maximum 8 pages, double-spaced). Part 2 will include a detailed analysis on the four tests as outlined in the *Planning Act* and conclusion (maximum 10 pages, double spaced). Students are required to visit the site. To appropriately assess the application, students will need to become familiar with interpreting architectural drawings to identify the areas of non-compliance as indicated in the application (i.e. the variances). Students will also need to develop an understanding of the applicable Official Plan policies attributed to the site to complete their assessment. It is strongly recommended that students watch a virtual Committee of Adjustment hearing to see how Planners and others respond to the four tests.

Part 1 (Qualifications and Context) – Due date: February 23, 2024

Part 2 (Analysis of 4 test and Conclusion) – Due date: March 8, 2024

PowerPoint Presentation to local Resident Association

A critical skill for any land use planner is the ability to understand and communicate the planning processes and planning policy. This assignment is designed to challenge students to present the planning issues related to an active development application of their choice to a local resident association. The presentation must break down the anticipated stakeholder concerns and correlate how those concerns relate to existing policy. Students must critically examine the issues/concerns and provide a planning opinion. The presentation shall be created in PowerPoint using appropriate maps and graphics and submitted with speaking notes for each slide. This assignment will require the student to understand the application, its issues, and identify the applicable legislation. Students will be evaluated based on their understanding and ability to convey the planning issues (3 to 5 issues) and their relationship to municipal policy/Provincial legislation (maximum 12 slides, plus speaking notes for each slide). **Due date: March 22, 2024**

Critiques

Students will be required to prepare two critiques (max 2-pages). The critiques can be sent in the body of an email directly to the Course Director (with the subject line "Critique 1" and "Critique 2").

Critique 1 requires the student to select a recent OLT from 2023 and reflect on the reasons for the decision. What was the crux of the dispute? Did the Member get it right in your opinion? Whose evidence did the Member prefer and why? **Due date: February 1, 2024**

Critique 2 requires the student to select a piece of legislation or policy related to their study. Critique whether the legislation/policy achieves its intention or requires revision. **Due date: March 29, 2024**

Instructions for Submission of Assignments

All assignments must be received via email to oren416@gmail.com.

Lateness Penalty

Assignments received later than the due date will be penalized 5% of the value of the assignment per day that the assignments are late. For example, if an assignment worth 20% of the total course grade is a day late, 1 point out of 20 (or 5% per day) will be deducted. Exceptions to the lateness penalty for valid reasons such as illness, compassionate grounds, etc. will be entertained by the Course Director. Submission must be received in electronic and paper copy form on the due date or will be considered late. Please email all assignments to oren416@gmail.com.

Religious Observance Days

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates specified in this syllabus pose such a conflict for you, contact the Course Director within the first three weeks of class. Similarly, should an assignment to be completed pose such a conflict, contact the Course director immediately.

Academic Honesty and Integrity

York students are required to maintain high standard of academic integrity and are subject to the Senate Policy on Academic Honesty as set out by York University and by the Faculty of Environmental Studies.

Student Conduct

Students and instructors are expected to maintain a professional relationship characterized by courtesy and mutual respect and to refrain from actions disruptive to such a relationship. Moreover, it is the responsibility of the instructor to maintain an appropriate academic atmosphere in the classroom, and the responsibility of the student to cooperate in that endeavour. Further, the instructor is the best person to decide, in the first instance, whether such an atmosphere is present in the class. A statement of the policy and procedures involving disruptive and/or harassing behaviour by students in academic situations is available on the York website.

Access/Disability

York provides services for students with disabilities (including physical, medical, learning and psychiatric disabilities) needing accommodation related to teaching and evaluation methods/materials. It is the student's responsibility to register with disability services as early as possible to ensure that appropriate academic accommodation can be provided with advance notice. You are encouraged to schedule a time early in the term to meet me to discuss your accommodation needs.

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