

COMMITTEE OF THE WHOLE (WORKING SESSION) - NOVEMBER 26, 2002

MUNICIPAL ACT, 2001 - PUBLIC NOTICE REQUIREMENTS

Recommendation

The Director of Legal Services, in consultation with the City Clerk and the Solicitor/Special Services, recommends that a by-law be enacted by Council prior to December 31, 2002 setting out minimum notice requirements for proposed by-laws and other actions under the new *Municipal Act, 2001*, with the by-law to come into force and effect in conjunction with the new legislation on the 1st day of January, 2003.

Purpose

The purpose of this report is to obtain authorization to enact a notice by-law prior to December 31, 2002 under the new *Municipal Act, 2001*.

Background - Analysis and Options

This report summarizes the public notice requirements that municipal councils are required to establish under the new *Municipal Act, 2001*. The new Act comes into force on January 1, 2003.

Current Act:

Under the current *Municipal Act* and a number of other existing Acts, municipalities have been bound by a series of individual detailed statutory notice requirements for various types of proposed by-laws and actions. These requirements were disbursed randomly throughout the *Municipal Act* and related statutes amended or enacted as need arose over the years. For example, under the current *Municipal Act* sections 300 and 301 require compliance with specific public notice provisions prior to the enactment of a by-law to close, widen or divert a highway, including publication of a notice in a newspaper of general circulation for four weeks or posting in a specified number of public places for smaller municipalities. Under the new Act, subsection 34(1) requires only that the municipality give public notice of its intention to pass a by-law closing the highway. As set out in section 251, the municipality can establish the appropriate form, nature and timing of public notice to be given for by-laws, unless specified elsewhere in the Act or in a regulation made by the Minister.

New Act:

Section 251 of the new *Municipal Act, 2001* enables municipalities, when exercising their powers under the new Act, to give notice to the public in a form, in a manner and at the times council considers adequate to provide "reasonable notice" to the public of proposed by-laws or actions.

Since the new *Municipal Act, 2001* requires a municipality to exercise its powers by by-law and since any actions taken on or after January 1, 2003 must be taken in accordance with the new Act, it is appropriate at this time for Council to enact a by-law establishing the public notice requirements that will apply to the specific types of proposed by-laws or actions in the following circumstances:

1. where public notice of a proposed by-law is required under the new Act; and
2. where the specific form, nature of or timing of the required public notice is not set out in either the Act or a regulation under the Act.

The proposed notice by-law will include headings clearly setting out the types of matters where public notice and/or a public meeting is required and will set out Council's determination of the

“*minimum*” form and timing of notice to be provided. The proposed by-law, wherever appropriate, will also include reference to any relevant section of the *Municipal Act, 2001* or, where applicable, a Regulation in which the Province has prescribed the form, nature and timing of public notice.

Many of the existing public notice requirements contained in the current Act or related Acts have not generally posed compliance or other problems for the City of Vaughan in the past, nor have these requirements created an unacceptable financial expense (since, for example, we have the City Page each week in the weekly newspaper for public notices regardless of the number of notices).

For certain types of actions such as the disposition of City parkland, Council has adopted policies dealing with additional public notice to be provided. These policies could continue as additional notice practices.

It is also important to note that the proposed by-law respecting public notice will not affect any public notice requirements stipulated under legislation not incorporated in the new *Municipal Act, 2001*, such as notice requirements provided under the *Development Charges Act* or the *Planning Act*.

The areas or actions under the new Act which require the municipality to determine the form, nature and timing of public notice are set out in the following Chart, together with the existing and proposed notice to be provided to the public and, where required, a public meeting and opportunity to be heard:

Nature of Proposed By-law	Existing	Proposed
Highways		
by-laws permanently <i>altering</i> (i.e. <i>closing</i>) a highway (subsection 34(2) of <i>Municipal Act, 2001</i>);	publication once a week for 4 weeks	14 days
by-laws naming a highway/private road or changing the name of a highway/private road (sections 47-48 of <i>Municipal Act, 2001</i>)	publication once a week for 4 weeks	14 days
Advertising Devices, including Signs	publication of notice of public meeting at least 30 days prior to meeting	public meeting 30 days notice
Licensing of Businesses and Business Registry	10 days notice by listing on a public agenda	public meeting 10 days notice
Fees and Charges	10 days notice by listing on public agenda	public meeting 14 days notice and inclusion on printed agenda
Restructuring Proposal	public meeting and notice of public meeting	public meeting 21 days notice inclusion on printed agenda and/or

			posting on City website
Change of Name of Municipality		notice to public on printed agenda	10 days notice inclusion on printed agenda and/or posting on City website
Change of Composition of Council		public meeting and notice of public meeting	public meeting 21 days notice inclusion on printed agenda and/or posting on City website
Establishing or Changing Wards		public meeting and notice of meeting	public meeting 21 days notice inclusion on printed agenda and/or posting on City website
Procedure By-law		inclusion on printed agenda	10 days notice inclusion on printed agenda and/or posting on City website
Sale of Lands		Disposal of Property By-law 121-95, s. 4	same
Budget			
	Capital - Annual	public meeting, 14 days	public meeting, 14 days and inclusion on printed agenda
	Amendments	N/A	7 days
	Operating - Annual	public meeting, 14 days	public meeting, 14 days and inclusion on printed agenda
Toll Roads		N/A	Municipal Act, s. 40 (to be prescribed by Regulation)
Any other matter where Council deems it desirable to give notice to the public		N/A	2 days

Conclusion

Prior to the new *Municipal Act, 2001* coming into force on January 1, 2003, the City should enact a by-law setting out the minimum public notice procedures that will be adhered to respecting the matters listed in the preceding heading. In our opinion, this will adequately address the requirements related to public notice for the above-noted types of proposed by-laws or actions prior to the January 1st deadline. As noted earlier, a provision will be included in the proposed by-law that it becomes effective on the 1st day of January, 2003.

Attachments

None.

Report prepared by:

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Respectfully submitted,

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