

Modernizing the Planning System in Manitoba: The Role of the Municipal Board in Planning Appeals

Project Overview

Manitoba Municipal Relations has committed to modernizing our planning and permitting processes and reducing red tape on development. New legislation that introduces a number of changes aims to improve efficiency, transparency and accountability of planning and permitting, while also enhancing opportunities for economic growth across the province.

The purpose of this engagement was to seek feedback on what stakeholders and the public see as most important when developing appeal processes under this legislation. Your feedback has helped inform our approach as Manitoba modernizes the planning appeals process to create an efficient system that provides all parties with clear, transparent and accountable processes, as well as timely results.

Engagement Overview

There were two steps to participating in this consultation:

- Read the Modernizing the Appeals Process Discussion Paper.
- Complete the survey to provide your feedback on the upcoming modernization of the Municipal Board planning appeals process.

The Modernizing the Appeals Process Discussion Paper remains available on the EngageMB and InfoMB websites.

The survey was open from Oct. 20, 2021 until Nov. 10, 2021 on the EngageMB website. In total, 43 surveys were completed by stakeholders and members of the public.

What We Heard

Feedback from survey participants generally reflected three main themes:

- transparency
- timeliness and accountability; and
- virtual/online accessibility.

Transparency

Survey participants indicated strong preferences for publicly accessible materials explaining the

Municipal Board planning appeals policies and procedures, including case management and mediation. Suggestions included a guide that outlines the appeals process from start to finish, as well as stand-alone process flowcharts, checklists, and similar process templates. Participants recommended that these materials have clear and identifiable contact information for staff with expertise in the particular subject area.

Some participants suggested educational sessions regarding the hearing process would better prepare participants for hearings.

Participants also indicated improving scheduling practices, and providing more plain language information in standard communications with appellants, would result in higher client satisfaction.

Timeliness and Accountability

Survey participants indicated strong preferences for set timelines (service standards) to maintain accountability by the Municipal Board in the planning appeal process. Participants suggested the use of application fees would help screen out appeals that are frivolous in nature.

Survey participants were divided on the accountability of hearings and related proceedings. Some participants expressed a preference for appeals to be limited to those directly engaged in the process within their community, while other participants expressed a preference for appeals to be expanded to include more public engagement.

Some survey participants also expressed concerns that professionals providing expert opinions (e.g., engineers and planners) should be required to clarify their roles and/or be placed under oath in hearings to ensure independent professional opinions.

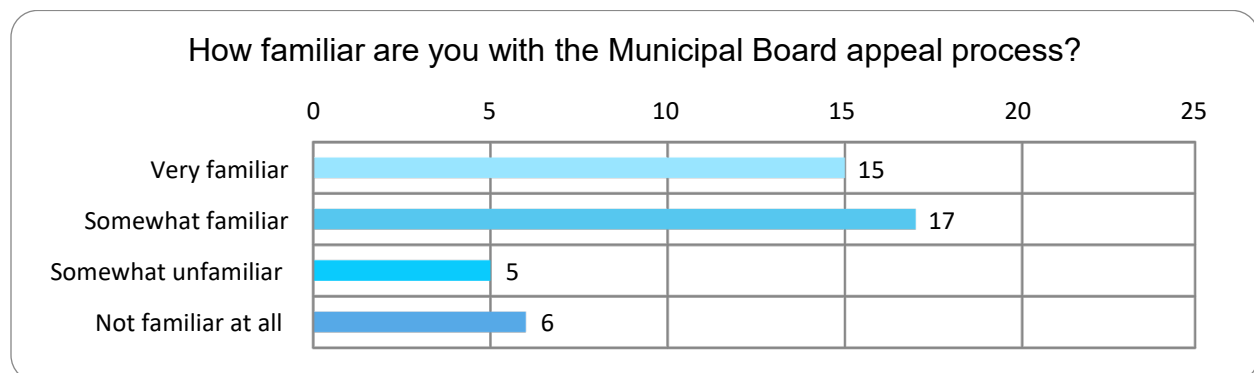
Virtual/Online Accessibility

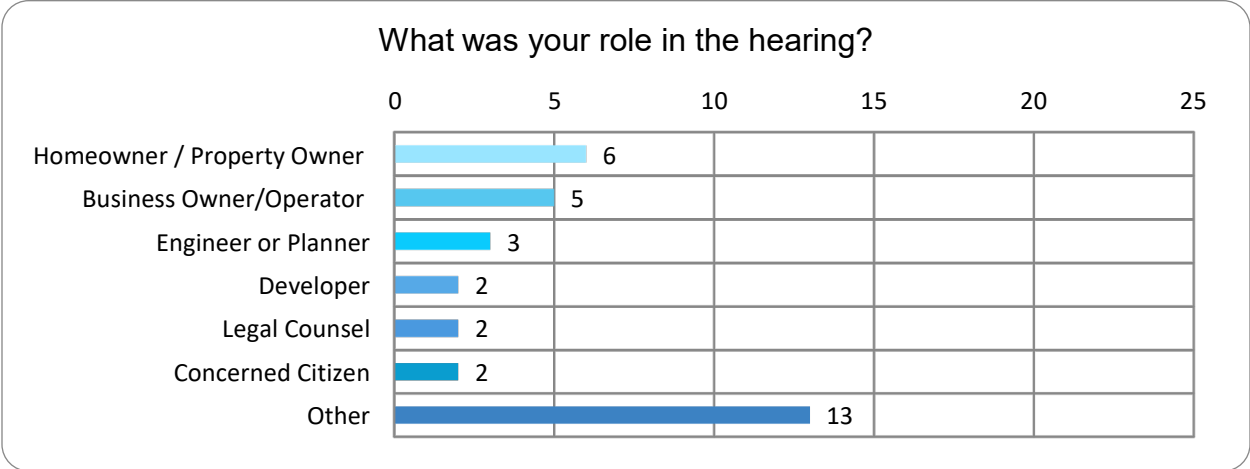
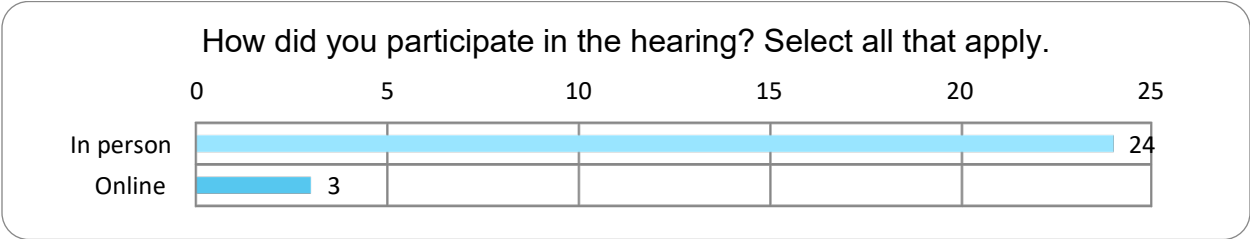
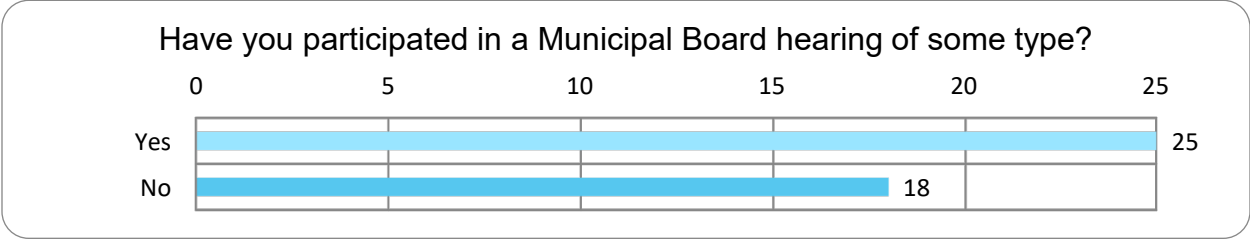
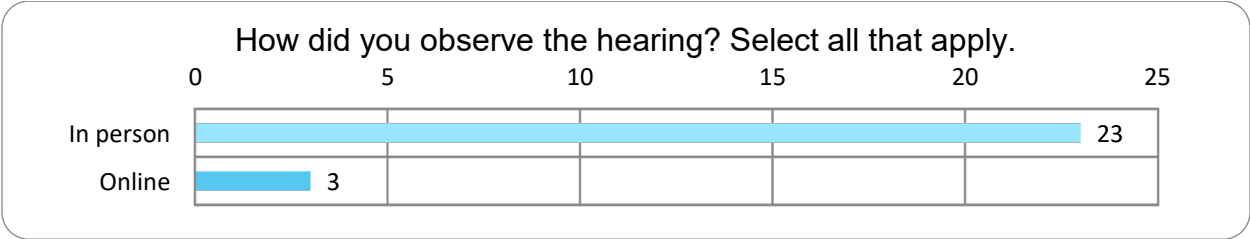
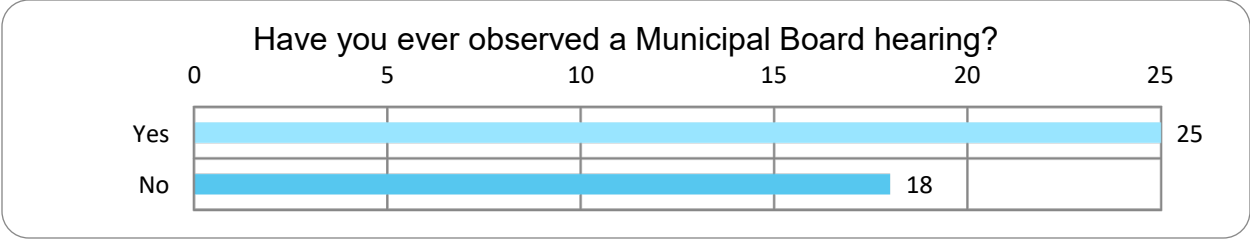
Survey participants indicated a strong preference to have public online access to board records, including hearing schedules and recent orders. Participants also indicated a preference for easily accessible online information about how to complete applications to appeal.

Participants also indicated a strong preference for virtual hearings and related proceedings.

Detailed survey results are as follows:

Hearing Process and Participation Questions

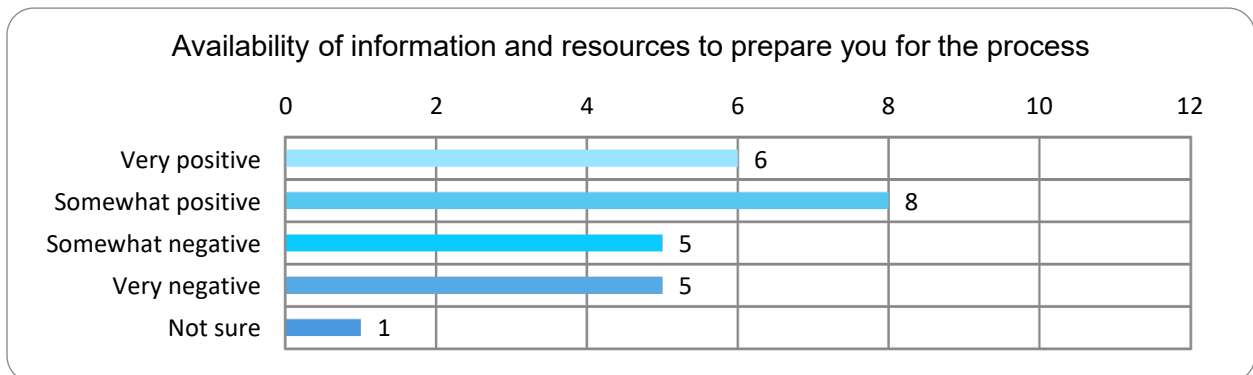
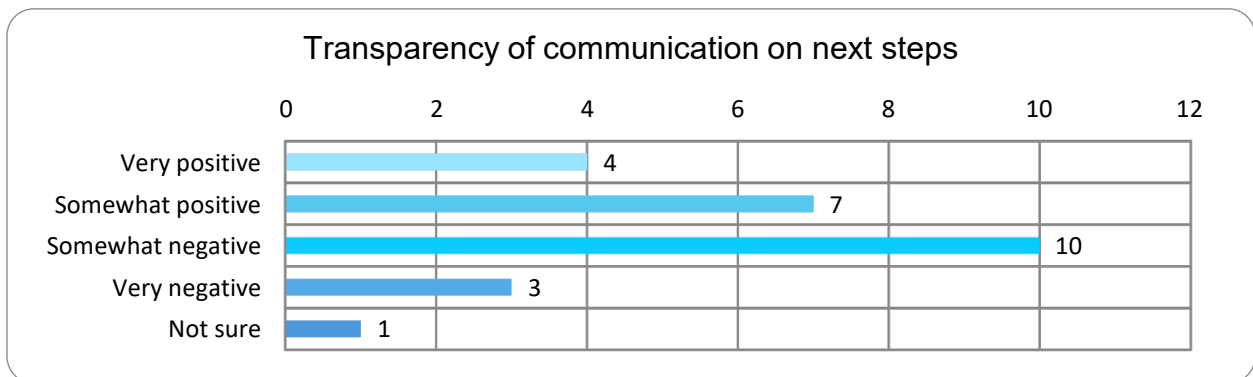
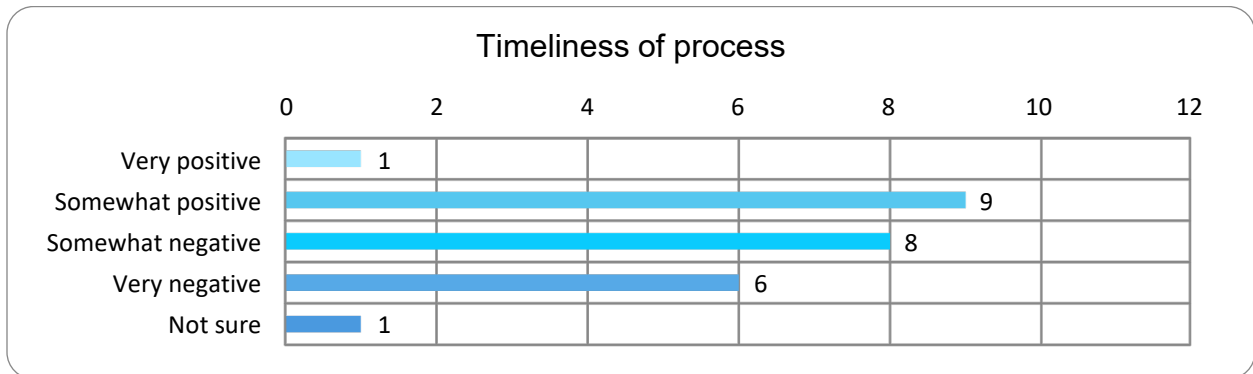




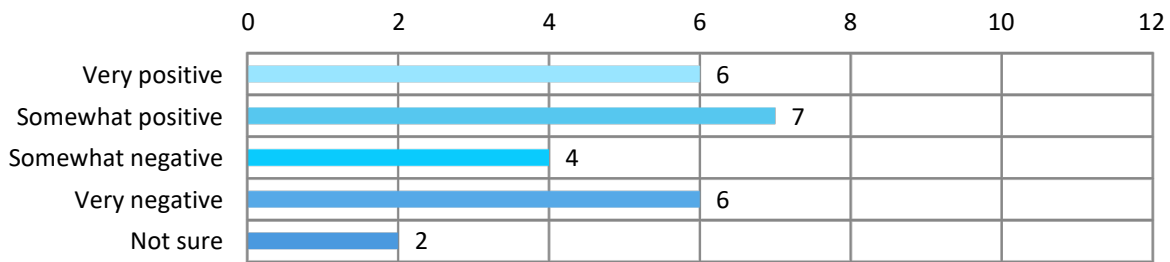
“Other” responses included municipal and planning district employees, municipal elected officials, and provincial representatives.

Planning Appeal Process Questions

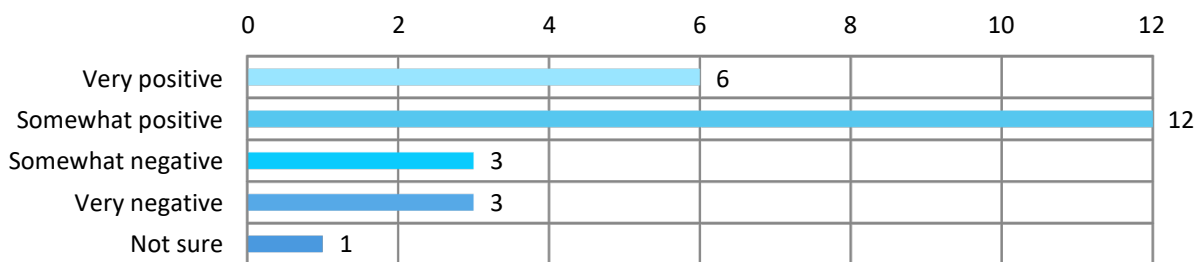
Based on your experience, what is your overall impression of the following aspects of the planning appeal process?



Availability of staff to answer questions on the process



Knowledge of staff on the process



Next Steps

Planning appeals are fundamental to open and fair planning systems and are necessary for upholding transparent and accountable planning decisions. The new changes to Manitoba's planning framework give landowners and applicants the right to appeal council or planning board decisions on development proposals and missed timelines to the Municipal Board, if they are unable to otherwise work out a mutually agreeable path forward. In the case of appeals that do reach the Municipal Board, modernized planning appeals processes will be in place to ensure smooth and timely resolutions. Municipalities and planning districts will continue to exercise their authority in establishing local by-laws, standards and requirements. All planning appeals will be evidence-based, which benefits all parties, including municipalities.

Manitoba Municipal Relations has hired professional consulting services to prepare training and resource materials to support the successful implementation of recent changes to the planning legislation, including:

- a comprehensive Planning Handbook to provide an authoritative reference to The Planning Act; and
- new streamlined rules and procedures for planning appeals at the Municipal Board are being developed and will include feedback from this survey.

Both projects involve significant municipal and stakeholder involvement and are expected to be completed in spring 2022. Both the Planning Handbook and Municipal Board Rules and Procedures will be available online.

For more information:

If you have comments, questions, or need more information, please contact your regional Community Planning office, or call the Winnipeg office at 204-945-2150.