

**Subject:** Repeal of By-laws Delegating Planning Application Approvals to Local Area Municipalities

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, July 9, 2025

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## Recommendations

1. That the following By-laws **BE REPEALED** to reflect the changes in the Region's planning authority under the *Planning Act*: By-Law Nos. 124-1999, 186-1999, 187-1999, 188-1999, 185-1999, 180-1999, 189-1999, 181-1999, 184-1999, 179-1999, 183-1999, 182-1999, 2019-70, 8619-97, 8620-97, 8760-97, 8761-97, 8764-97, 8763-97, 8762-97, 8807-97, 8793-97, 8792-97, 8819-97, and 8974-98;
2. That the necessary repealing By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 13-2025 and a final copy of the repealing By-law, **BE CIRCULATED** to Local Area Municipalities.

## Key Facts

- The purpose of this report is to recommend the repeal of delegation by-laws that are no longer required due to changes in the Region's planning authority.
- Prior to March 31, 2025, Niagara Region had delegated approval authority for most official plan amendments, and all subdivisions and consents to local municipalities through a series of by-laws.
- As of March 31, 2025, lower-tier municipalities became the statutory approval authorities for all *Planning Act* applications, making the Region's delegation by-laws obsolete.
- Outstanding consent applications previously under the Regional Clerk's authority have now transferred to local municipalities, and staff are working to distribute related records in accordance with the *Planning Act*.
- Regional staff met with area municipalities to discuss transition matters, including the repeal of the delegation by-laws, and no concerns were raised.

## **Financial Considerations**

There are no direct financial considerations associated with this report.

## **Analysis**

### **Legislative Context and Transition of Planning Authority**

Effective March 31, 2025, Niagara Region became an “upper-tier municipality without planning responsibilities” as defined under the *Planning Act*. This change was the result of legislative amendments introduced through the *More Homes Built Faster Act, 2022* (Bill 23), which removed planning responsibilities from certain upper-tier municipalities in the Province, including Niagara Region.

Prior to March 31, the Region had delegated approval authority for most official plan amendments and all plans of subdivision and consents to area municipalities. These delegations were established through a number of Regional By-laws (listed in Appendix 1).

As of March 31, 2025, the Region’s lower-tier municipalities became the statutory approval authorities for all applications under the *Planning Act*. This shift in authority renders the Region’s existing delegation by-laws redundant.

In preparation for the March 31 transition, Regional staff engaged with area municipalities to discuss transition matters. The repeal of the delegation by-laws was raised during these discussions, and no concerns were identified. This report will be circulated to all area municipalities for information and transparency.

### **Outstanding Consent Applications and Records Transfer**

Prior to March 31, 2025, the Regional Clerk retained approval authority for certain consent applications approved by the former Regional Land Division Committee. Specifically, this included conditional consents that had not been finally disposed of before the delegation by-laws were enacted.

As of March 31, 2025, these remaining consent approval powers have been transferred to the Secretary-Treasurers of the Committee of Adjustment of the area municipalities, who are now the statutory approval authorities for all consent applications.

Under Section 70.13(9) of the *Planning Act*, the Region is required to forward all records related to the outstanding consents to the appropriate area municipalities for administration. Regional staff are currently reviewing options for distributing these records to the area municipalities including the potential for digitizing records preserved with dated technology.

### **Alternatives Reviewed**

Council could choose to retain the delegation by-laws; however, this is not recommended. The Region no longer has planning authority under the *Planning Act*, and the by-laws serve no legal or functional purpose. Repeal is recommended for clarity and consistency.

### **Relationship to Council Strategic Priorities**

Effective Region: The repeal of the by-laws will streamline service delivery by removing redundant administrative instruments, ensuring the Region's operations align with its current legislative responsibilities and support fiscally responsible and sustainable core services.

Equitable Region: The repeal of the by-laws will support local decision-making and more responsive planning processes, recognizing the role of lower-tier municipalities to manage growth and development in accordance with the legislative changes introduced through Bill 23.

### **Other Pertinent Reports**

[PDS 5-2025 Update on Local Official Plan Reviews and Proclamation Transition](https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=75780064-c37d-464e-bcda-9b6bc238f6c4&Agenda=Agenda&lang=English&Item=15&Tab=attachments)

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CWCD 2024-190 Correspondence from the Minister of Municipal Affairs Ontario  
Regulation 525/97 and Upper-Tier Planning Authority

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**Appendices**

Appendix 1 List of Existing Regional By-laws Delegating Approval for *Planning Act* Applications to Local Area Municipalities

## **Appendix 1 List of Existing Regional By-laws Delegating Approval for *Planning Act* Applications to Local Area Municipalities**

### **Official Plan Amendments**

The following By-law delegated approval authority for official plan amendments:

- Region-wide – By-law No. 2019-70

### **Consent Applications**

The following By-laws delegated consent approval authority to local area municipalities:

- West Lincoln – By-law No. 124-1999
- St. Catharines – By-law No. 186-1999
- Thorold – By-law No. 187-1999
- Welland – By-law No. 188-1999
- Pelham – By-law No. 185-1999
- Grimsby – By-law No. 180-1999
- Wainfleet – By-law No. 189-1999
- Lincoln – By-law No. 181-1999
- Port Colborne – By-law No. 184-1999
- Fort Erie – By-law No. 179-1999
- Niagara-on-the-Lake – By-law No. 183-1999
- Niagara Falls – By-law No. 182-1999

### **Subdivision Applications**

The following By-laws delegated subdivision approval authority to local area municipalities:

- Welland – By-law No. 8619-97
- Fort Erie – By-law No. 8620-97
- Lincoln – By-law No. 8760-97
- Thorold – By-law No. 8761-97
- Niagara-on-the-Lake – By-law No. 8764-97
- Grimsby – By-law No. 8763-97
- West Lincoln – By-law No. 8762-97
- St. Catharines – By-law No. 8807-97
- Pelham – By-law No. 8793-97
- Port Colborne – By-law No. 8792-97
- Niagara Falls – By-law No. 8819-97
- Wainfleet – By-law No. 8974-98