



## 2021 OACA CONFERENCE & AGM – JUNE 8 - 9, 2021

### PARTNERS & SPONSORS



- ❖ **The Proposed New Amendments to Section 50 of the Planning Act and Their Effect on What You do.**  
Sidney H. Troister, LSM, Torkin Manes LLP
- ❖ **Consents: Common Applications and Issues, but not Always Straight Forward...**  
Alex Ciccone, Associate, Garrod Pickfield LLP
- ❖ **Minister's Zoning Orders: What You Need To Know**  
Lee English, Borden Ladner Gervais (BLG)
- ❖ **Land Use Policy Impacts on Land Development in Ontario's Prime Agricultural Areas**  
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- ❖ **Ask An Expert: Lawyer Edition**  
Aaron Platt, Partner Davies Howe LLP
- ❖ **Privacy and Access Rights and Obligations Under MFIPPA**  
Renee Barrette, Directory of Policy and Ayesha Kapadia, Policy Analyst with the IPC of Ontario
- ❖ **What to Do When the Integrity Commissioner Calls (hint: call first)**  
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- ❖ **Legal Non-Conforming Use – the Current State of the Law**  
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- ❖ **Tips & Techniques for Broadcasting a Public Meeting**  
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- ❖ **Understanding Adjudication Through the Lens of the Tribunal**  
Jyoti Zuidema, B.A. (Hons.), LL.B., LL.M.
- ❖ **Learning from Complaints: "Lessons from the Ombudsman"**  
Laura Pettigrew General Counsel for the Office of the Ombudsman of Ontario
- ❖ **What Policy or By-law Applies?**  
**What To Do When Applications Get Caught in a Transitional Period: Clergy Principle and Other Approaches**  
Dennis Wood, Partner Wood Bull LLP
- ❖ **Cybersecurity and Covid 19 Issues**  
Brent Arnold M.A., Partner, Technology Sub-Group Leader (Com Lit) Gowling WLG
- ❖ **The New Municipal Connect**  
Janet Rombis, Manager, Municipal Products at MPAC

# WELCOME

We are delighted to present to you the 2021 Ontario Association of Committees of Adjustment and Consent Authorities (OACA) Annual Conference Information Package. As a delegate at this year's conference you will have the opportunity to take part in a full day of educational workshops and events and networking opportunities, plus there will be a few fun surprises to make this virtual event extra special! Because we're not meeting in person, we're passing the savings on to you and the ability to watch all 14 live recorded sessions for up to 60 days after the conference which can be used towards education credits to maintain designations, including OACA's ACST Designation. The first 200 delegates to register will also be sent some great conference swag! For those with social media attending the event, please feel free to acknowledge your commitment to professional development and give OACA a mention using the hashtag **#OACA2021**.

## Conference Platform

This year our conference will be hosted on the virtual platform, Swapcard. The conference site will open on May 25 and you will receive an email at that time from [noreply@swapcard.com](mailto:noreply@swapcard.com) with your log in details. Once you activate your account you can check the program agenda and register for the session's you are interested in. On the day of the conference, you can interact with other attendees by arranging meetings, participating in chats, and connecting via 1:1 video calls. We are so excited for you to experience the reach and excitement of virtual conferencing.

**Tuesday June 8** - Virtual attendees will enjoy a full day of educational workshops and networking. The user-friendly conference platform will allow delegates to join sessions with ease and explore our virtual networking rooms. Similar to our in-person events, delegates will have an opportunity to attend the workshops of their choice and there will be opportunities during breaks to get up, stretch and join your counterparts for a virtual coffee and lunch!

**Wednesday June 9** - OACA's Annual General Meeting will take place between 10:00 – 11:30 a.m. At this meeting, OACA members will receive an update from the Board, including an introduction to the 2021 – 2022 Board of Directors. We will also conduct the business of the Association, including the approval of the 2019 AGM Minutes and the 2020 – 2021 Annual Report. This session will also host a Q & A session. A link to vote on the approval of minutes and other business will be provided to full members of the Association prior to the meeting.

## Registration

Online registration will open March 15, 2021. Please visit [www.oaca.info](http://www.oaca.info) to register. Conference Registration will close on **June 4, 2021**.

To take advantage of reduced member rates, please login to the website **prior to** registering for the event and use the coupon code provided (visible under "My Profile").

**Member Rate:** \$250.00

**Non Member Rate:** \$375.00

## Refunds

Refunds requested on or before June 4, 2021 will be processed (subject to administrative fee of \$25.00).

**Refunds are not available after June 4, 2021.**

## Digital Workshop Materials

Digital workshop materials will be available to delegates on the Swapcard platform and will be visible once logged in.

# WORKSHOPS



**Torkin Manes**  
Barristers & Solicitors

## **The Proposed New Amendments to Section 50 of the Planning Act and Their Effect on What You do**

Sidney H. Troister, LSM, Torikin Manes LLP

New amendments to section 50 of the Planning Act were introduced on April 15, 2021 and are likely to become law shortly. They will add new exceptions to the prohibitions in the act and will also impact procedures that you now follow in the decision making process. Sidney Troister is the author of "The law of Subdivision Control in Ontario" and has been a frequent speaker at OACA conferences. He was intimately involved in the introduction of these amendments with the hope that they will fix many of the traps in section 50 and help you make the process more user and consumer friendly. He will be available to answer you Planning Act questions if time permits.



**Principles Integrity**

## **What to Do When the Integrity Commissioner Calls (*hint: call first*)**

Jeffrey A. Abrams, Co-Principal, Principles Integrity

As members of a local board, people appointed to Committees of Adjustment are required to adhere to the same ethical regime that governs elected officials. Hear from your friendly neighbourhood integrity commissioner on the kinds of supports available to you, the role of Integrity Commissioners, Codes of Conduct, and everybody's favourite topic - how to avoid conflicts of interest.



**Davies Howe**  
LAND DEVELOPMENT ADVOCACY & LITIGATION

## **Ask An Expert: Lawyer Edition**

Aaron Platt, Partner Davies Howe LLP

Aaron Platt is ready to answer your hot municipal law questions, focusing on Committee of Adjustment and Land Division Committee questions. This workshop will be moderated by an OACA Board Member will attempt to cover all of the questions delegates submit prior to the conference. Please submit your questions between March 15 and May 1 to [oaca@outlook.com](mailto:oaca@outlook.com). Questions from the virtual floor will be taken during remaining time.



**mpac**

## **The New Municipal Connect**

Janet Rombis, Manager, Municipal Products at MPAC.

Secretary Treasurers regularly use MPAC's Municipal Connect application to confirm ownership for Committee of Adjustment applications, so we invite you to join MPAC staff to experience the new Municipal Connect and see how it has been improved to help meet the needs of municipal users. Following the tutorial/overview there will be time for your questions.

# WORKSHOPS



## The Current State of the Law

Tony Fleming C.S., Cunningham, Swan, Carty, Little & Bonham LLP

A number of recent cases from the LPAT have broadened protections for legal non-conforming uses. We will review the decisions and consider the implications on development applications, including:

- ❖ Non-conforming and non-complying are the same.
- ❖ Permission to expand a non-conforming use may not include considerations of OP policy.
- ❖ What is the role of minor variances versus a s. 45(2) permission to expand?
- ❖ How do you measure impact from an addition.



## Cybersecurity and COVID-19 Issues

Brent Arnold M.A., Partner, Technology Sub-Group Leader (Com Lit) Gowling WLG

COVID-19 has introduced new and heightened cyber security risks, with hackers and foreign governments taking advantage of the hasty and widespread remote deployment of private and public sector workers. As lockdowns continue in urban centres and organizations consider the benefits of employees working from home post-pandemic, the risk of cyber attacks on remote deployed organizations will only continue. In this presentation, you'll learn about continuing and emerging cyber threats, the legal risks they pose, and how to protect your employees and organization from cyber attacks.



## Understanding Adjudication Through the Lens of the Tribunal

Jyoti Zuidema, B.A. (Hons.), LL.B., LL.M.

Jyoti's presentation will give Committee Members a better understanding of how the Tribunal adjudicates matters before it, including:

- ❖ Weight of Evidence (Expert vs. Lay Evidence, Viva Voce vs. Documentary Evidence, Hearsay Evidence, Open and Transparent Process).
- ❖ Common Concerns (Overlook and Loss of Privacy, Loss of View; Sun/Shadow Analysis; Negative Impacts Four-Tests).
- ❖ Stare Decisis and Precedents (Brief discussion on the concept of binding and precedents decisions vs. persuasive decisions, application of Statutory Powers Procedure Act).

Written Decision and the Need for Reasons (How to balance the need for comprehensive reasons with the pressure for efficiency of proceedings).

# WORKSHOPS



## **Privacy and Access Rights and Obligations Under MFIPPA**

Renee Barrette, Directory of Policy, Ayesha Kapadia, Policy Analyst  
Information & Privacy Commissioner of Ontario

This workshop will provide an overview of privacy and access rights and obligations under MFIPPA, a description of the role of and recent developments at the Information and Privacy Commissioner and an update on related law reform initiatives.



Information and Privacy Commissioner of Ontario  
Commissaire à l'information et à la protection de la vie privée de l'Ontario



## **Land Use Policy Impacts on Land Development in Ontario's Prime Agricultural Areas**

James Newlands, MHBC

So, you want to sever a parcel off your farm? This presentation will provide an overview of historic and current land use planning policy framework in Ontario's Prime Agricultural Areas and their impacts on land development in these areas. Land Use documents such as the 2020 Provincial Policy Statement and the Ontario Ministry of Agriculture, Food and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas will be examined to provide an understanding of the 'cans and cant's' in land development in Prime Agricultural Areas.



## **Minister's Zoning Orders: What You Need To Know**

Lee English, Borden Ladner Gervais (BLG)

What is a Minister's Zoning Order ("MZO")? Through a look at recent and historical examples of MZOs, we will consider how they come to be issued, the impact of a MZO on the local planning approvals process and how a MZO may impact the decision making of a Committee of Adjustment.



# WORKSHOPS



## **Learning from Complaints: “Lessons from the Ombudsman”**

Laura Pettigrew General Counsel for the Office of the Ombudsman of Ontario

The Ontario Ombudsman handled more than 26,000 complaints last year, and more than 3,000 of them were about municipalities. Laura Pettigrew, the Ombudsman’s General Counsel, will explain how complaints can be a positive thing for municipalities – especially if they have robust internal complaint handling mechanisms. She will offer tips on best practices for complaint handling at the local level and discuss how the Ombudsman’s recent work has assisted municipalities in improving their processes.

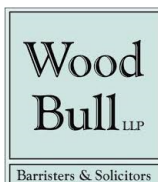


## **Consents: Common Applications and Issues, but not Always Straight Forward...**

Alex Ciccone, Associate, Garrod Pickfield LLP

This session will provide an update on some common, but not straightforward, Committee of Adjustment issues including:

- ❖ How to handle consents in Prime Ag (it’s not always “no”!)
- ❖ How to handle multiple consents: Consolidated applications? One fee per consent?
- ❖ What to do when the Committee of Adjustment wants to make a decision contrary to planning-staff recommendation, and the implications thereof.



## **What Policy or By-law Applies? What To Do When Applications Get Caught in a Transitional Period: Clergy Principle and Other Approaches**

Dennis Wood, Partner Wood Bull LLP

This presentation will address the dilemma created for a Committee of Adjustment/Land Division Committee where an official plan amendment is not yet in force or a zoning by-law amendment is not yet in effect when an application to the Committee is made. In such circumstances, applicants will frequently refer to the Clergy Principle as a basis for shielding it from the newer planning instrument, if it is unfriendly to the application. Which planning/regulatory framework should apply?

The presentation will examine the rules of the road in such a circumstance, with reference to relevant OMB, LPAT, TLAB and Court decisions.

# WORKSHOPS



## Tips & Techniques for Broadcasting a Public Meeting

Brad Brown, Independent Video Producer

With the move to having “virtual” public meetings as a response to the ongoing COVID-19 pandemic, elected officials, appointed individuals, and staff have had to migrate from the traditional council chambers room to ones’ living room. How to adapt while still conveying the professional image of the Council Chamber? This presentation will discuss camera positioning, lighting, audio and other items which will help you bring the image of professionalism presented in Council Chambers into your living room, dining room, or basement as the case may be.

We will discuss a variety of options from cheap DIY options, to entry level equipment as well as give you a glimpse into how the pros do it. You are a professional and you should look like it on your meetings. By the end of this webinar you’ll have the knowledge to do just that.

# AGENDA

<b>Tuesday, June 8</b>	
<b>Time</b>	<b>Workshops</b>
9:00 - 10:15 a.m.	<b>The Proposed New Amendments to Section 50 of the Planning Act and Their Effect on What You do.</b> Sidney H. Troister, LSM, Torkin Manes LLP
9:00 - 10:15 a.m.	<b>What Policy or By-law Applies? What To Do When Applications Get Caught in a Transitional Period: Clergy Principle and Other Approaches</b> Dennis Wood, Partner Wood Bull LLP
9:00 - 10:15 a.m.	<b>Privacy and Access Rights and Obligations Under MFIPPA</b> Renee Barrette, Directory of Policy with the Information & Privacy Commissioner of Ontario
9:00 - 10:15 a.m.	<b>Minister's Zoning Orders: What You Need To Know</b> Lee English, Borden Ladner Gervais (BLG)
9:00 - 10:15 a.m.	<b>The New Municipal Connect</b> Janet Rombis, Manager, Municipal Products at MPAC
<b>10:15 – 10:45 a.m.</b>	<b>Coffee Break: Meet up with friends and colleagues for a virtual coffee!</b>
10:45 – Noon	<b>What to Do When the Integrity Commissioner Calls (hint: call first)</b> Jeffrey A. Abrams, Co-Principal, Principles Integrity
10:45 - Noon	<b>Consents: Common Applications and Issues, but not Always Straight Forward...</b> Alex Ciccone, Associate, Garrod Pickfield LLP
10:45 - Noon	<b>Ask An Expert: Lawyer Edition</b> Aaron Platt, Partner Davies Howe LLP
<b>12:00 – 1:15 p.m.</b>	<b>Lunch: Join us in the virtual lunchroom for some fun surprises!</b>
1:15 - 2:30 p.m.	<b>Learning from Complaints: “Lessons from the Ombudsman”</b> Laura Pettigrew General Counsel for the Office of the Ombudsman of Ontario
1:15 - 2:30 p.m.	<b>Understanding Adjudication Through the Lens of the Tribunal</b> Jyoti Zuidema, B.A. (Hons.), LL.B., LL.M.
1:15 - 2:30 p.m.	<b>Tips &amp; Techniques for Broadcasting a Public Meeting</b> Brad Brown, Independent Video Producer
<b>2:30 – 3:00 p.m.</b>	<b>Coffee Break: Meet up with friends and colleagues for a virtual coffee!</b>
3:00 – 4:15 p.m.	<b>Land Use Policy Impacts on Land Development in Ontario's Prime Agricultural Areas</b> James Newlands, MHBC
3:00 – 4:15 p.m.	<b>Legal Non-Conforming Use – the Current State of the Law</b> Tony Fleming C.S., Cunningham, Swan, Carty, Little & Bonham LLP
3:00 – 4:15 p.m.	<b>Cybersecurity and Covid 19 Issues</b> Brent Arnold M.A., Partner, Technology Sub-Group Leader (Com Lit) Gowling WLG
<b>Wednesday, June 9</b>	
10:00 – 11:30 a.m.	<b>Annual General Meeting</b>