

Review of Municipal Best Practices Relating to Public Hearing Notifications

Cities across Canada were explored with regard to their legislative requirements for advertising and notification of rezoning public hearings, in addition to further city practices. The details for all five cities that were studied — Calgary, Ottawa, Vancouver, Victoria and Winnipeg — can be found in the sections below.

All five of the cities that were studied used the newspaper as a form of notification for public hearings. Calgary, Ottawa and Winnipeg also use signage as a form of advertisement and all of the cities, except for Winnipeg, send mail-outs to the affected residents and community members.

Ottawa and Victoria are the only cities that do not have any legislation regarding electronic notifications for public hearings. Calgary and Vancouver both have active websites that share information about council meetings with the public and have interactive databases that contain rezoning updates and other council information.

An important finding in this jurisdictional review is that all cities leverage digital tools to provide awareness of rezoning public hearings; and have expressed the intention to replace print notifications with electronic means of communication where permitted by governing legislation.

City of Calgary

The City of Calgary uses newspapers, mail-outs and signage for rezoning notifications in addition to their website and mapping database. For amendments affecting more than 500 parcels of land, Council has the power to authorize an electronic means of notification.

Calgary Public Hearing Notification Requirements and City Practices		
	Print	Electronic
Legislative Requirements	<ul style="list-style-type: none"> • Advertise in a city-wide newspaper once a week for two consecutive weeks. • Mail or deliver notice to every residence in the area where the proposed bylaw applies or where the public hearing will be held. • An alternative method as provided in a municipal bylaw. 	<ul style="list-style-type: none"> • Pursuant to section 608.2, council may, by way of bylaw, create a process for giving notice of a rezoning by electronic means where the proposed amendment would affect more than 500 parcels of land.
City Practice	<ul style="list-style-type: none"> • Rezoning public hearings are advertised in the Calgary Herald. • A mail-out of Public Hearing Letters is also facilitated to adjacent property owners. • In 2014, the City of Calgary implemented signage requirements for rezoning notifications. • The City Clerk's Office also makes accessible a printed copy of public hearing agendas and proposed bylaws for the public to review, if requested. 	<ul style="list-style-type: none"> • The city has a mapping database that provides visitors with rezoning public hearing information (e.g. status of application, proposal information/elevations). • Printed advertisements are stored on the Calgary website, and posted at the same time of publishing in the Calgary Herald. • The Planning and Development department creates a draft agenda of planning items for public hearing for the public to review on the City of Calgary website (during the same advertisement period for the public hearing). • The City Clerk's office provides upcoming and archived council agendas, minutes, and video on its own webpage.

City of Ottawa

For large-scale rezoning applications, the City of Ottawa advertises public hearings through the newspaper instead of mail-outs to save costs and resources. There is no bylaw pertaining to electronic notifications for public hearings.

Ottawa Public Hearing Notification Requirements and City Practices		
	Print	Electronic
Legislative Requirements	<ul style="list-style-type: none"> • The Planning Act (Ontario) contains provisions that allow municipalities to provide notice of the required public meetings for Official Plan and zoning by-law amendments in a different manner than those prescribed in the Act and its regulations, provided that an alternative method is spelled out in the municipality's Official Plan. • Notification and consultation will be provided in a bilingual environment in a cost-efficient, consistent and effective manner. • Bilingual signs on affected sites and a note sent to community organizations in the affected area. • If a proposed amendment or plan affects a large area or the posting of an on-site notice is, for whatever reason, not appropriate, notification may be given directly to targeted stakeholders or published in a city newspaper. Notification and consultation period is 28 days. • Notice of public meeting must be published in a daily newspaper a minimum of five calendar days before the scheduled public hearing; and sent to individuals/groups who provided written comments or requested notice of the public meeting at least ten calendar days before the meeting by mail, facsimile, or electronic mail. 	<ul style="list-style-type: none"> • No bylaw to regulate notification or engagement practice via electronic means.

	<ul style="list-style-type: none"> • Technical amendments to the Official Plan or Zoning By-law do not require notification to and consultation with the public. Notice of public meetings for such technical amendments will apply, however. 	
City Practice	<ul style="list-style-type: none"> • The City of Ottawa noted that they would opt for a newspaper advertisement rather than mailing notices if a plan amendment or rezoning were to impact more than 500 addresses. • The required notification period is 28 days, yet City of Ottawa planners pursue 35 days for thoroughness. • Mailed notices can successfully reach owner-occupied residences, but are less likely to reach those who live in multi-unit buildings and those who rent. 	<ul style="list-style-type: none"> • The City of Ottawa developed an internal tool called PNS (Public Notification System) which returns a list of community associations, condo corporations, newspapers, and other stakeholders for any given geography. When planners conduct a zoning study or development application, they use PNS to query a list of relevant stakeholders and their email addresses and/or mailing addresses. A challenge of the PNS is that the list of stakeholders may not be exhaustive.

City of Vancouver

The City of Vancouver is required to advertise public hearings through the newspaper. There are no mail-out notification requirements; however, the City still sends postcards to affected neighbours as a courtesy. The City Clerk is required to post notice of, and the agenda for, all public hearings on the city website. The City also advertises public hearings through the Shape Your City website.

Vancouver Public Hearing Notification Requirements and City Practices		
	Print	Electronic
Legislative Requirements	<ul style="list-style-type: none"> Public notice must be published in a newspaper that is distributed at least weekly in the area affected by the subject matter of the notice. If the same matter is subject to 2 or more requirements for publication in accordance with the Vancouver Charter, the notices may be combined so long as the requirements of all applicable provisions are met. Print notification in either the Vancouver Courier or Vancouver Sun two weeks prior to a public hearing. 	<ul style="list-style-type: none"> The City Clerk must give notice of the date, time and place of each meeting by posting the annual schedule of all meetings each year on the city website and post a copy of the agenda for each meeting, including full reports, on the City's website no later than the 5th day prior to the meeting. Council may provide any additional notice respecting a matter that it considers appropriate, including by the Internet or other electronic means.
City Practice	<ul style="list-style-type: none"> While not legally required, postcards are sent as a courtesy two weeks prior to a public hearing, directing affected neighbours with links to the website for further information and feedback. People are encouraged to email the rezoning planners for any of their questions/comments. These emails are inventoried for future notification reminders of the public hearing process. 	<ul style="list-style-type: none"> Shape Your City platform map visualization provides a listing of in-progress and archived rezoning and development permit applications in addition to public hearing advertisements.

City of Victoria

The City of Victoria must advertise public hearings via newspaper and through written notices to property owners. This requirement does not apply if the bylaw affects 10 or more parcels of land or persons. There is no requirement for electronic notifications.

Victoria Public Hearing Notification Requirements and City Practices		
	Print	Electronic
Legislative Requirements	<ul style="list-style-type: none"> • All public hearings must be advertised in a local newspaper in accordance with the Local Government Act (LGA) requirements. • Written notice must be sent to all property owners and tenants subject to the proposal. • The requirement for written notice does not apply if the bylaw affects 10 or more parcels owned by 10 or more persons. • Local governments may enact their own requirements for posting of a site that is the subject of a bylaw amendment. • The notice of public hearing must state the time, date, and place of the hearing as well as the purpose of the bylaw, the land subject thereto, and how the bylaw can be inspected. • A public hearing can be waived if a proposed zoning bylaw is consistent with the Official City Plan, but the City must provide notice on the purpose and land affected by the bylaw as well as instructions on how to review the bylaw. 	<ul style="list-style-type: none"> • No bylaw to provide notice through electronic means.

<p>City Practice</p>	<ul style="list-style-type: none"> • A Land Use Procedures Bylaw supplements the LGA by setting standards for public hearing notification distances (100 m for subject properties), sign posting requirements (not required if 10 or more parcels are involved), and affirmation of Council's right to waive public hearings where a zoning amendment is consistent with the Official City Plan. • Although not an established policy or bylaw, the City of Victoria uses addressed mail to reach all owners and occupants within a study area in advance of public hearings. Such an effort can be costly and require time and resources. 	<ul style="list-style-type: none"> • Exploring creative approaches to notification not contemplated by legislative requirements, like Kijiji advertisements, digital ads, and social media posts.
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City of Winnipeg

The City of Winnipeg advertises public hearings through newspapers and physical signage. When notifying more than 500 addresses, the City identified how they would advertise through the newspaper and electronic means as opposed to postcard mail-outs. The City has been granted the option to advertise notices through online means instead of through the newspaper.

Winnipeg Public Hearing Notification Requirements and City Practices		
	Print	Electronic
Legislative Requirements	<ul style="list-style-type: none"> City of Winnipeg Charter specifies that rezoning applications must be advertised in two print newspapers in the city 14-days prior to the day when the public hearing is to begin. The City of Winnipeg Charter also requires the city to notify adjacent municipalities in writing on any zoning changes adjacent to their Rural Municipality (RM) or on any city-wide zoning bylaw changes. For Variance and Conditional Use applications, physical signage must be posted on a property 14-days prior to the public hearing. In this case, there is no requirement for advertisement in the newspaper. Public hearings are not required for DAV-A (minor variance) or DAV-B (another type of minor variance) or DCU-C (conditional use applications) as per the City of Winnipeg Development Procedures By-law. 	<ul style="list-style-type: none"> The Province of Manitoba ratified Bill 53, which gives the City of Winnipeg the option to advertise notices online instead of in print newspapers.

<p>City Practice</p>	<ul style="list-style-type: none"> • If presented with the task to notify more than 500 addresses, planners noted how they would advertise in the newspaper (following the 14-days rule) and online (paid advertising, social media posts), in addition to in-person consultation events prior to the public hearing. • City of Winnipeg planners have considered postcard notifications for certain types of applications, but have not implemented this system due to cost and staffing resource implications. 	<ul style="list-style-type: none"> • Advertising in the print newspaper is also posted online, but requires additional costs for advertising space. • City of Winnipeg planners noted that they would not provide a physical notice (e.g. letter or postcard) for mass rezoning efforts (e.g. 500 parcels or more). • The City of Winnipeg would like legislative requirements to change so that they can advertise through their website, and to build an online notification system where people can opt-in to receive notifications on land development applications tailored to their interest. • The City of Winnipeg is testing an email notification system for development applications, allowing people to subscribe to receive information about development applications by neighbourhood, ward or custom geography.
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