

Conducting a Public Hearing

Under *The Planning and Development Act, 2007*

2024

Introduction

The Planning and Development Act, 2007 (Act) requires a hearing be held when adopting a land use planning bylaw. The purpose of a public hearing is to provide the public with an opportunity to contribute information to help the municipal council make fair and informed decisions. Council may receive written submissions and invite people in attendance to speak about the proposal under consideration. The submissions or representations may state opposition to the proposal, support for the proposal, or identify specific concerns regarding parts of the proposal. In evaluating submissions and representations, council should carefully consider the reasons provided for the position, including whether there may be underlying elements influencing the position.

Before a bylaw hearing, council should be prepared to listen to arguments asking council to approve, deny, or alter a bylaw. A hearing should not be a public relations exercise for council to justify, answer questions about, or persuade the public to agree with the proposal. Doing so would imply council has decided the issue, denying the public a fair hearing.

The purpose of this guide/information sheet provides municipal councils and administrations with best practices for conducting public hearings.

Requirements for a Public Hearing

The Act requires a hearing where the following bylaws are being considered:

- An official community plan, zoning bylaw, or any amendment thereto;
- A bylaw to impose or amend development levies; or
- A bylaw to sell or exchange dedicated lands (municipal or public reserve, buffer strip, walkway, etc.).

Part X of the Act requires notice be given of the hearing date, time, location, and procedure for a hearing. If the public notice is not done correctly, it may delay the proposal from being considered by council. Refer to Part X of the Act for the full public notice requirements.

Recommended Process

Public hearings are often held during a regular council meeting and in council chambers. However, they can be held at any time and location as identified in the public notice. The recommended process for the hearing is as follows:

1. The hearing is open to the public with the council present (with at least a quorum). A council member chairs the hearing.
2. The chairperson opens the hearing. If it is held during a council meeting, the council must, by resolution, suspend its meeting and move to enter the public hearing. The hearing should begin at the time specified in the notice.
3. The chairperson must **clearly** identify the bylaw or matter for which the hearing is held. Council may be considering more than one item at a given time. Therefore, introducing a matter by the bylaw number alone is not sufficient. Copies of the notice and bylaw, or other public report, should be available to attendees. The chairperson should read a summary of the intent of the bylaw or proposal at the start of the hearing.

4. If the matter is controversial and many people attend the hearing, the chairperson may wish to outline the procedures the municipality will follow throughout the meeting. For example, these may include recognition by the chair before speaking, time limits, procedures for presenting copies of written briefs (if any), use of a lectern, and the opportunity for council to ask the presenter for elaboration or explanation of matters presented.
5. The chairperson asks the gallery if anyone wishes to make a presentation. All those signifying they wish to speak are listed and heard in turn.
6. Minutes must be taken and must summarize verbal presentations.
7. The chairperson asks the administrator to present any written representations received.
8. The chairperson asks for further representations and, if there are none, closes the hearing.
9. If the hearing is held during a regular council meeting, council then moves to resume the council meeting. Council then may enter debate on the subject of the hearing.

Note: Once a planning and development matter has been advertised to the public, the council meeting to discuss the matter must remain open to the public. There are rare cases where “in camera” council meetings may be justified, but not for zoning or discretionary use decisions after advertising.

Hearings are often short in duration, with few, if any, appearing to speak. However, if the hearing extends beyond a reasonable time, the council may suspend the hearing and set a time to reconvene later to accommodate all who wish to speak. No action on the bylaw is possible until the hearing is concluded. A council may also hold more than one hearing on the same date, provided each hearing is properly advertised. Some seasonal recreational areas hold public hearings in both the municipality and in the community where the majority of ratepayers have permanent residence.

Under the principles of natural justice, council must give fair opportunity for people to be heard and give fair consideration to any comments received. Public hearings are an essential part of a council's authority to manage land use.

For more information about public hearings under the Act, please contact the Ministry of Government Relations, Community Planning branch.

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