



NATIONAL DIALOGUE ON PUBLIC HEARINGS, LAND USE AND DEMOCRACY

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ABOUT THIS EVENT

This National Dialogue on Public Hearings, Land Use and Democracy is a moderated panel event organized by the Renovate the Public Hearing Initiative (RPHI). The Renovate the Public Hearing Initiative's work has largely focused on public hearing legislation in British Columbia; however, this event will elevate the conversation about public hearings to a national dialogue that considers what a truly democratic process for land use planning could look like. Bringing together perspectives from representatives working in different jurisdictions, including the City of New Westminster, Tsleil-Waututh Nation, City of Calgary, City of Markham and Quebec, this conversational panel aims to generate meaningful and transformative dialogue on public hearings, land use planning and democracy.

When:

Friday January 26, 2024, 4:00pm – 6:00pm
(Doors open at 3:30pm). Catered reception will follow.

Where:

Room #320, SFU Morris J. Wosk Centre for Dialogue, 580 W Hastings St, Vancouver, BC V6B 1L6

The Centre is accessible by public transit and public parking is available at many locations nearby. The closest parking lot is across the courtyard; enter via Seymour Street.

Accessibility:

ASL will be provided, closed-captioning in English will be provided for the live event and for the online event participants can choose English or French closed-captioning. The event will be recorded and made available online afterwards.

Eventbrite link:

www.eventbrite.ca/e/national-dialogue-on-public-hearings-land-use-and-democracy-tickets-794929424307?aff=oddtcreator



ABOUT RPHI

Renovate the Public Hearing (RPHI) is a collaborative initiative led by Director of Public Hearings and Planning Amina Yasin and hosted within SFU's Morris J. Wosk Centre for Dialogue to act as a convener and catalyst in the public hearing space. Funded by CMHC, our project is piloting changes to British Columbia's land use public hearing requirements to enhance social justice and community-building and strengthen our democratic culture.

WHY DOES THIS PROJECT MATTER?

Public hearings in British Columbia were established to provide a public voice in the land use decision-making process and are one of the tools local governments use to practice core elements of democracy. However, they are also spaces where many of the current challenges that threaten our democracy, such as polarization and erosion of trust in institutions, are sometimes visible. BC's public hearings, in their current format, are often viewed as performative battleground exercises that leave people angry and apathetic toward their local government. In some cases, such as hearings over affordable housing projects, the open microphone format invites speeches that can raise racial and class tensions and increase polarization.

For nearly 40 years, researchers have found public hearings are rarely representative of constituencies and do little to influence the decisions of elected officials. Nor do public hearings produce shared understanding among speakers. Instead, speaker comments often erase the democratic work of compromise and consensus-building that goes into proposal development.

In many communities, public hearings also marginalize those most in need and can embody the legacy of structural racism. In some cases—especially hearings over affordable housing projects—the open microphone format invites speeches that raise racial and class tensions and strengthen polarization. Instead of democracy, systemic oppressive power and privilege are on display.

Both the BC government’s Development Approvals Process Review (2019) and Opening Doors: Unlocking Housing Supply for Affordability (2021) final reports identified “a Provincial review of public hearings and consideration of alternative options for more meaningful, earlier public input and in different formats” as priority areas.

As a response to calls for systems change, Simon Fraser University’s Morris J. Wosk Centre for Dialogue created Renovate the Public Hearing, a scalable community-involved and policy-informed process to pilot and evaluate renovations to the public hearing format to lead to specific recommendations for legislative changes in British Columbia. The Renovate the Public Hearing team has already been successful

in influencing the government of British Columbia on this topic. On November 1, 2023, the BC government announced Bill 44, which proposes to amend land-use rules across the province. This would include permanently waiving site-specific public hearings that align with Official Community Plans (OCPs) while requiring municipalities to update their OCPs every five years with input from the public.

Renovate the Public Hearing’s work will continue to help ensure that this reform is successful by scaling up our evidence-based research, dialogue and our deliberative democracy work via the Residents Assembly model so that we can strengthen democratic engagement while streamlining and speeding up the rezoning process.

RESOURCES

The links below will help provide background information about the Renovate the Public Hearing Initiative, the history of public hearings in BC, and expectations for this event.

[What We Heard Report: Innovators Forum Report](#)

In March 2023, the Renovate the Public Hearing Initiative hosted an Innovators Forum to bring together people and organizations from across the province most impacted by the public hearing process to discuss what works, what doesn't, and more importantly, what can be done to reform or repeal elements of the public hearing process.

[Study Paper on Public Hearings: An Examination of Public Participation in the Adoption of Local Bylaws on Land Use and Planning, British Columbia Law Institute](#)

This study paper, developed by our partners at British Columbia Law Institute, addresses the origins of this requirement in the Local Government Act and the use of public hearings in land use regulation, how this legislation has been interpreted and developed in the case law, and the goals and purposes of this legislation. This study paper was published on April 6, 2022.

In April 2022, we held a province-wide workshop. Materials produced included:

- [Workshop Report: The Future of Public Hearings in British Columbia](#)
- [Discussion Guide](#)
- [Survey Report](#)



KEY CONTACTS

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ABOUT SFU'S MORRIS J. WOSK CENTRE FOR DIALOGUE

Renovate the Public Hearing is an initiative hosted by SFU's Morris J. Wosk Centre for Dialogue.

[SFU's Morris J. Wosk Centre for Dialogue](#) creates real-world impact for society's most pressing challenges by using dialogue and engagement to co-create solutions, exchange knowledge, support community-engaged learning, and transform democratic participation.





Agenda

3:30pm - Doors open

4:00pm - 4:05pm - Territorial welcome, Cllr Dennis Thomas Whonoak

4:05pm - 4:15pm - Introduction from Aftab Erfan, Centre for Dialogue Executive Director

4:15 - 5:35pm - Facilitated panel discussion

5:35pm - 5:55pm - Facilitated audience Q&A session

5:55pm - 6:00pm - Highlights and closing

6:00pm - 7:30pm - Catered reception

MODERATOR

Cllr Christine Boyle

Christine Boyle is a Vancouver City Councillor, serving a second term as a member of OneCity Vancouver. She is also an ordained United Church Minister, a climate leader, feminist, cyclist and parent. Cllr Boyle is a community organizer, passionate about tackling inequality, increasing affordable housing options in every neighbourhood, strengthening accessibility and inclusion, and addressing climate justice with concrete proposals for action. She has a BSc in Urban Agriculture and First Nations Studies, and MA in Religious Studies.

PANELISTS

Nadine Nakagawa, City Councillor, City of New Westminster

Nadine Nakagawa is an organizer, activist, intersectional feminist, creative writer, social justice fairy, and second-term city councillor at the City of New Westminster. She co-owns a consulting business called Ablaze Services and is the co-founder of The Feminist Campaign School. When not working on community projects, Nadine prances with delight towards patches of wildflowers, wears flower crowns and dresses that encourage twirling, and can be found hugging trees and embracing whimsy.

Giulio Cescato, Director of Planning and Urban Design, City of Markham

Giulio graduated with a Master's Degree in Environmental Studies (Planning) from York University in 2007. He first worked as a planner under Robert Millward for two years before taking a job as an Assistant Planner with the City of Toronto in the North York Centre. In 2010, he was promoted to Planner and transferred to Scarborough District, Waterfront Section. In 2011 he was transferred to the downtown east as a Planner and then promoted to Senior Planner in Midtown Toronto. In 2016 Giulio was promoted to Manager of Community Planning in the North York Centre and acted as Director in 2020. In 2021, Giulio left the public sector to become Associate Director, Planning for Arcadis IBI Group in their Toronto Office.

During his career, he has worked on complex development applications, completed the Downtown East Planning Study, co- led the Downtown East Revitalization Initiative and was the founder and creator of Planners in Public Spaces, an innovative public consultation strategy now routinely used in Toronto. Giulio is the past Vice Chair for the Railway Association of Canada’s proximity guidelines committee and taught Policy Planning at Toronto Metropolitan University and created the City of Toronto’s digital consultation strategy for planning applications and studies. Although only briefly with Arcadis IBI Group, Giulio grew the planning practice, significantly increasing revenue and productivity, while fostering a supportive and collaborative work environment.

Giulio believes in being progressive on issues of housing and fostering a policy environment that promotes equitable outcomes. Housing is economic development and the single biggest competitive advantage municipalities can give themselves. He believes it is imperative for local governments to do everything in their power to create an environment where young people, in particular, can find housing and start their careers on the right foot. Giulio is the current Director of Planning and Urban Design with the City of Markham, supports and works closely with the Mentorship Initiative for Indigenous and Planners of Colour (MIPOC), writes about planning policy and theory and loves being a full-time dad and occasional player of video games.

Dennis Thomas Whonoak, Elected Councillor Tsleil-Wautuh Nation

Dennis is a member of *səlilwətał* (Tsleil-Waututh Nation) in Deep Cove, North Vancouver. He also has ancestral ties to *Skwxwú7mesh* (Squamish Nation), Welsh ancestry and close familial ties to *xʷməθkʷəy̓əm* (Musqueam Nation). His traditional name “Whonoak” means caretaker of a river. Dennis is deeply connected to his community and culture, where he serves as an elected councillor for his Nation.

Dennis has an MBA from SFU and brings 15+ years of professional experience from his work with his community, Tsleil-Waututh Nation. During that time, he led new business opportunities and explored future business partnerships, programs and projects. He has extensive experience in Indigenous business initiatives – from large residential developments to sports facilities. As an active community member, Dennis has served on various Boards of Directors, including the Vancouver Symphony Orchestra, Museum of Vancouver and City of Vancouver UNDRIP Task Force.

Dennis prides himself on bringing people together and is committed to leaving a legacy that strengthens Indigenous peoples and, in turn, strengthens our entire society. Dennis has won several awards for his work including the 2022 Enduring Award from Capilano University Alumni Awards of Excellence, 2021 Business in Vancouver’s Top 40 Under 40, 2021 Award for Planning Excellence in the category of Planning for Reconciliation by Canadian Institute of Planners for the Heather Lands project.

Courtney Walcott, City Councillor for Ward 8, City of Calgary

Since 2021, Councillor Courtney Walcott has represented Ward 8 in Calgary, Alberta. He brings a wealth of experience as an educator and community advocate. His background includes teaching at Western Canada High School, coaching community sports, and serving as an equity, diversity, and inclusion facilitator. With degrees in history and education, Courtney is committed to revitalizing urban spaces and fostering inclusive communities.

Courtney played a pivotal role in creating the Housing and Affordability Task Force. The task force recommendations shaped the development of Calgary's innovative housing strategy, "Home is Here." Courtney believes in making housing a human right and has consistently worked towards making housing affordability, availability, and choice a priority for City Council and the City of Calgary. Courtney's vision extends to community safety through services promoting harm reduction and equity, showcasing his dedication to building a more equitable and anti-racist Calgary.

Malorie Flon, Directrice générale, Institut du Nouveau Monde (*NOTE Malorie will be joining us online from Quebec*)

Malorie Flon's last decade of professional experience has been dedicated to public participation process design, facilitation and management, as well as to policy analysis and testing innovative practices for materializing participatory democracy. Working with the Institut du Nouveau Monde, an independent and non-partisan organization that aims to increase public participation in democratic life, since 2010, she has led a portfolio of projects on a wide array of public matters, in collaboration with a variety of stake-holders. Her role also entails researching and developing partnerships and project opportunities, and coordinating the organization's strategy and efforts in business development.

A skilled facilitator, she loves to bring people together to confront ideas and find common grounds and solutions regarding complex problems. She holds a Master's Degree in Political Science and International Studies and worked in International Development prior to joining INM.

Appendix

THE HISTORY OF PUBLIC HEARINGS

Local government public hearings are a result of:

- The evolution of British legal practice
- The shifts in governing values
- The actions of individuals

Mid 12th Century

In England, judges settle local disputes through travelling courts and begin to have independence from the British monarch. The practice evolves into British Common Law, legal administration, and procedural due process.

17th Century

In England, Enclosure Acts begin removing town commons to define locations of private property and public infrastructure. The practice allowed those with potential land rights to make statements to a panel of decision-makers.

1630s

New England Town Hall meetings emerge for deciding local issues and land use in the colonies.

1770

Nova Scotia outlaws public meetings as British loyalists flee north. Some blame the New England Town Hall meetings for causing the US Revolutionary War.

1793

A Statute for Upper Canada includes rules for public notice for the first time. It requires justices of the peace to give local constables 8 days notice before assembling town members.

1841

Ontario District Council Act establishes elected Councils that resemble local government bodies we know today.

1865

Indigenous leaders organize against BC government decisions to shrink reserves, prohibit Indigenous peoples from purchasing land, and encourage settlement and resource extraction in non-reserve lands. Indigenous leaders continue to organize and advocate for 150+ years.

1867

Constitution Act recognizes only federal and provincial levels of Canada's government, making local government a matter for the provinces.

1882

San Francisco passes a zoning law banning Chinese laundries in residential neighborhoods. Similar zoning bylaws and race-based land covenants begin to appear across North America.

1896

The Municipal Incorporation and Municipal Clauses Acts begins an active era of local government formation in BC.

1914

Thomas Adams forms the Town Planning Institute in England. Its ideas spread across Canada through periodicals. The Union of BC Municipalities supports engaging Adams to draft a Town Planning Act for the province.

1922

Frank E. Buck, J.A. Walker, A.G. Smith and others follow Adams' work and form the Vancouver Branch of the Town Planning Institute. The group drafts and promotes the passage of the Town Planning Act through public speeches and editorials.

1923

Chinese Immigration Act effectively stops Chinese immigration for 24 years. The Act is an example of some of the era's dominant values.

1925

BC's first female MLA, Mary Ellen Smith, tables the second version of the Town Planning Act and it passes. Section 10 requires "all persons who might be affected by the proposed by-law the opportunity to be heard" prior to a decision. The Act is praised in planning periodicals.

1953

Vancouver Charter grants Vancouver different powers and procedures than the rest of BC's local governments.

1957

The Municipal Act of BC replaces the Town Planning Act and contains similar language about public hearings. Court cases throughout the century will expand public hearing procedures beyond what is stated in the legislation.

1960s

“Sunshine” Laws spread throughout North America emphasizing open meetings, transparency, and disclosure to prevent corruption in decision-making.

1970

The demolition of Hogan’s Alley is one of many North American government decisions prioritizing public infrastructure over established minority communities.

1978

BC’s Land Title Act amendment bans land covenants based on sex, race, nationality, ancestry, or place of origin. This is an example of law evolving to respond to the values of the era.

1985

Amendments to the Municipal Act include adding the ability to waive public hearings.

1998 and 2004

The Local Government Act and the Community Charter replaces the Municipal Act. Together they legislate all BC local government authority and procedures, except for Vancouver.

2015

The Truth and Reconciliation Commission’s 94 Calls to Action include several that apply to local governments.

2019

BC passes the Declaration on the Rights of Indigenous Peoples Act.

2019

The Development Approval Process Review Final Report identifies opportunities in a “provincial review of public hearings and consideration of alternative options.”

2021

The Local Government Act amendments clarify public hearings “are not required” for bylaw amendments that align with Official Community Plans (OCP) and give local governments the option to select alternative methods for public notices.

2023

On November 1, a little over a month after the Sept 2023 Union of British Columbia Municipalities (UBCM) convention, the British Columbia government proposed legislation that could move to usher in the most transformative housing reforms in a generation. Bill 44, proposes to amend land-use/zoning rules across British Columbia. This would include permanently waiving site-specific public hearings that align with Official Community Plans (OCPs) while requiring that municipal governments update their OCPs every five years with input from the public.

UNDRIP

How we could apply UNDRIP and decolonize the process: [Declaration on the Rights of Indigenous Peoples Act \(BC\)](#) – passed 2019

This act commits the government of British Columbia, “[i]n consultation and cooperation with the Indigenous peoples in British Columbia,” to “take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration.” The UN Declaration calls on states to “consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” Public hearings, which are part of a provincial legislative framework on land use and management, arguably come within this duty to consult and cooperate in good faith. (BCLI report, p. 23)

In looking to how this act may affect the future of public hearings, “a particularly cogent point is that Indigenous peoples are not just neighbours of municipalities, they have rights and interests that overlap local boundaries. For local planners, this means that better outcomes can be expected when relationships with Indigenous peoples are based on collaboration, rather than consultation that treats Indigenous peoples as just ‘stakeholders.’ (BCLI report, p. 24)

EXAMPLES OF ALTERNATIVE APPROACHES & HISTORY OF REFORMS

Committee Model:

Many local governments worldwide have some form of a development advisory committee to inform land-use decision-making. While the terms of reference are unique to each local government and committee, their general purpose is to advise decision-makers regarding local issues and individual applications. Committees often include combinations of elected officials, public servants, and public members with professional and lived experience who apply and are appointed by local government. For example, as per the previous table, several local governments in BC use committees in their pre-development approval process.

No Public Hearings:

Not all local governments require neighbour notifications or an opportunity for public comments when making individual land-use decisions. Planning Control in Western Europe (1989) compared planning control systems in five countries (UK, Germany, France, Denmark, Netherlands). While the report is several decades old, it notes the five countries share similar processes for application intake and evaluation (i.e. consultations, negotiations with applicants, commission review etc.). And none require notification of applications to neighbours before decision-making, nor are open forums like the public hearing widely used.

The Deliberative Wave:

A growing number of governments worldwide are embracing engagement models that incorporate expert-informed resident deliberation into consultation— a method known as deliberative democracy. For example, Scotland is funding participatory budgeting programs as part of its Community Empowerment Act, allowing residents to say how local money is spent. Vancouver's Citizen Assembly on the Grandview-Woodland Community Plan (2015) is another example that puts residents at the centre of the planning process.

PRINCIPLE-BASED LEGISLATION

British Columbia:

Recent changes to the requirements of public notice in BC's Community Charter could be considered another example. Section 94 now provides local governments with an option to adopt a public notice bylaw to specify the means that will be used to publish public notice in their community. Before adopting the bylaw, local governments must consider three principles defined through regulation. For communities that are happy with the status quo the default remains publishing in a newspaper once each week for two consecutive weeks.

Australia:

Some governments are embracing legislation that identifies principles that must be met rather than specific rules. For example, the province of Victoria in Australia recently shifted their Local Government Act (2020) for legislating community engagement. The Act now tasks local governments to create their own community engagement policy that identifies "deliberative engagement practices" that will be applied to develop their key strategic documents. These practices must give effect to five community engagement principles.

ANALYSIS-FORWARD MODEL

Surrey:

Led by local government staff, analysis-forward models use specific analytical processes to identify how different groups of people may experience policy, programs or initiatives. For example, in the City of Surrey, a needs analysis conducted by city staff and external consultants identified gaps in existing parks, recreation, and cultural facilities, programs, and services. The Canadian governments' Gender-based Analysis Plus (GBA+) implementation is another example. Within analysis-forward models, staff may use public engagement consultations to gather data for their analysis.

VISIONING EXERCISES

Many jurisdictions engage residents in visioning exercises as part of their overall land use plan development. These exercises invite residents to envision the ideal future of their community by providing a creative and collaborative forum. Many of BC's local governments use visioning exercises such as design charrettes, micro-utopias, and future workshops to draft Official Community Plans (OCP). For example, the City of Prince George's OCP (updated 2022) explains, "engagement began by asking people about their vision of the future and how to get there using a survey and 'kitchen table' workbooks."

ARTS-FORWARD MODEL

Arts-forward models can be led by communities, researchers, organizations, and in some cases, local government staff. Their goal is to center lived experiences using creative mediums such as video, writing, or photography. For example, Theatre of the Oppressed organises groups worldwide and uses particular kinds of theatre games to help translate "the law into practice." Closer to home, the City of New Westminster in collaboration with Douglas College, recently posted an RFP for a photovoice project with tenants of affordable housing developments. These approaches often focus on generating compassion and empathy for others. Outcomes can influence public discourse and priorities in decision-making.

