

## Planning Act

### R.S.O. 1990, CHAPTER P.13

#### Interpretation

1 (1) In this Act,

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses including, without limitation, the uses listed in subsection (5), or as otherwise prescribed by regulation; (“zone d’emploi”)

“area of settlement” means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation; (“zone de peuplement”)

“committee of adjustment” means a committee of adjustment constituted under section 44; (“comité de dérogation”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“higher order transit” means transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses; (“transport en commun d’un niveau supérieur”)

“land division committee” means a land division committee constituted under section 56; (“comité de morcellement des terres”)

“local appeal body” means an appeal body for certain local land use planning matters, constituted under section 8.1; (“organisme d’appel local”)

“local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof; (“conseil local”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 1 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 45)**

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“payment in lieu” means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; (“paiement tenant lieu de cession”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“provincial plan” means,

- (a) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005*,
- (b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*,
- (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*,
- (d) a development plan approved under the *Ontario Planning and Development Act, 1994*,
- (e) a growth plan approved under the *Places to Grow Act, 2005*,
- (e.1) a designated policy as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,
- (e.2) a designated policy as defined in section 3 of the *Great Lakes Protection Act, 2015*,
- (e.3) a designated Great Lakes policy or a significant threat policy, as those terms are defined in subsection 2 (1) of the *Clean Water Act, 2006*, or

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

(f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario; (“plan provincial”)

“public body” means a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation; (“organisme public”)

“public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board; (“travaux publics”)

“regulations” means regulations made under this Act. (“règlements”)

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy project” has the same meaning as in the *Electricity Act, 1998*; (“projet d’énergie renouvelable”)

“renewable energy testing facility” has the same meaning as in the *Electricity Act, 1998*; (“installation d’évaluation du potentiel en énergie renouvelable”)

“renewable energy testing project” has the same meaning as in the *Electricity Act, 1998*; (“projet d’évaluation du potentiel en énergie renouvelable”)

“renewable energy undertaking” means a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project; (“entreprise d’énergie renouvelable”)

“residential unit” means a unit that,

(a) consists of a self-contained set of rooms located in a building or structure,

(b) is used or intended for use as residential premises, and

(c) contains kitchen and bathroom facilities that are intended for the use of the unit only. (“unité d’habitation”)

“Tribunal” means the Local Planning Appeal Tribunal. (“Tribunal”) R.S.O. 1990, c. P.13, s. 1; 1994, c. 23, s. 3 (2); 1996, c. 4, s. 1 (1-3); 2002, c. 17, Sched. B, s. 1; 2004, c. 18, s. 1; 2006, c. 23, s. 1 (1-4); 2009, c. 12, Sched. K, s. 1; 2009, c. 12, Sched. L, s. 19; 2015, c. 26, s. 11 (1); 2017, c. 23, Sched. 3, s. 1; 2017, c. 23, Sched. 5, s. 79; 2018, c. 16, s. 8 (1-3).

### **Limitation**

(2) The term “public body” in subsection (1) excludes all ministries of the Province of Ontario except the Ministry of Municipal Affairs and Housing in respect of subsections 17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4), 45 (12), 51 (39), (43), (48) and (52.1) and 53 (19) and (27). 1996, c. 4, s. 1 (4); 2006, c. 23, s. 1 (5); 2015, c. 26, s. 11 (2).

### **Designation**

(3) Despite subsection (2), the Minister may by regulation designate any other ministry of the Province of Ontario to be a public body for the purpose of the provisions referred to in subsection (2). 1996, c. 4, s. 1 (4).

### **Exclusion**

(4) The Minister may by regulation exclude any board, commission, agency or official of the Province of Ontario from the definition of “public body” set out in subsection (1) in respect of the provisions referred to in subsection (2). 1996, c. 4, s. 1 (4).

### **Uses re “area of employment”**

(5) The uses referred to in the definition of “area of employment” in subsection (1) are,

(a) manufacturing uses;

(b) warehousing uses;

(c) office uses;

(d) retail uses that are associated with uses mentioned in clauses (a) to (c); and

(e) facilities that are ancillary to uses mentioned in clauses (a) to (d). 2006, c. 23, s. 1 (6).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 3 (2) - 28/03/1995; 1996, c. 4, s. 1 (1-4) - 22/05/1996

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2002, c. 17, Sched. B, s. 1 - 01/01/2003

2004, c. 18, s. 1 - 15/12/2003

2006, c. 23, s. 1 (1-6) - 01/01/2007

2009, c. 12, Sched. K, s. 1 - 24/09/2009; 2009, c. 12, Sched. L, s. 19 - 14/05/2009

2015, c. 26, s. 11 (1) - 01/07/2016; 2015, c. 26, s. 11 (2) - 03/12/2015

2017, c. 23, Sched. 3, s. 1 (1, 2) - 03/04/2018; 2017, c. 23, Sched. 5, s. 79 (1, 2) - 03/04/2018

2018, c. 3, Sched. 5, s. 47 - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019; 2018, c. 16, s. 8 (1-3) - 01/01/2019

2019, c. 1, Sched. 4, s. 45 - not in force

### **Information and material to be made available to public**

**1.0.1** Information and material that is required to be provided to a municipality or approval authority under this Act shall be made available to the public. 2006, c. 23, s. 2.

#### **Section Amendments with date in force (d/m/y)**

2006, c. 23, s. 2 - 01/01/2007

### **Purposes**

**1.1** The purposes of this Act are,

- (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4.

#### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 4 - 28/03/1995

**Note:** On the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, the Act is amended by adding the following section: (See: 2017, c. 20, Sched. 8, s. 119)

#### ***Not-for-Profit Corporations Act, 2010***

**1.2** The *Not-for-Profit Corporations Act, 2010* does not apply to a body corporate established under this Act. 2017, c. 20, Sched. 8, s. 119.

#### **Section Amendments with date in force (d/m/y)**

2017, c. 20, Sched. 8, s. 119 - not in force

## **PART I PROVINCIAL ADMINISTRATION**

### **Provincial interest**

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
  - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
  - (j) the adequate provision of a full range of housing, including affordable housing;
  - (k) the adequate provision of employment opportunities;
  - (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

#### Section Amendments with date in force (d/m/y)

1994, c. 23, s. 5 - 28/03/1995; 1996, c. 4, s. 2 - 22/05/1996

2001, c. 32, s. 31 (1) - 30/09/2002

2006, c. 23, s. 3 - 01/01/2007

2011, c. 6, Sched. 2, s. 1 - 04/05/2011

2015, c. 26, s. 12 - 01/07/2016

2017, c. 10, Sched. 4, s. 11 (1) - 30/05/2017; 2017, c. 23, Sched. 5, s. 80 - 03/04/2018

#### Approval authorities and Tribunal to have regard to certain matters

**2.1** (1) When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to. ~~When an approval authority makes a decision under subsection 17 (34) or the Tribunal makes a decision in respect of an appeal referred to in subsection 17 (49.7) or (53), 22 (11.3), 34 (26.8) or (29), 38 (4) or (4.1), 41 (12.0.1), 51 (39), (43) or (48) or 53 (19) or (27), it shall have regard to,~~

- (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and
- (b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2015, c. 26, s. 13; 2017, c. 23, Sched. 3, s. 2 (1).

#### Same, Tribunal

(2) When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.

### **Same, Tribunal**

~~(2) When the Tribunal makes a decision in respect of an appeal referred to in subsection 17 (40), 51 (34) or 53 (14), the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter. 2017, c. 23, Sched. 3, s. 2 (2).~~

### **Same**

(3) For greater certainty, references to information and material in subsections (1) and (2) include, without limitation, written and oral submissions from the public relating to the planning matter. 2015, c. 26, s. 13.

### **Section Amendments with date in force (d/m/y)**

2006, c. 23, s. 4 - 01/01/2007

2015, c. 26, s. 13 - 01/07/2016

2017, c. 23, Sched. 3, s. 2 (1, 2) - 03/04/2018

### **Policy statements**

**3** (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. R.S.O. 1990, c. P.13, s. 3 (1).

### **Approval of Minister, etc.**

(1.1) A policy statement may require an approval or determination by the Minister, any other minister of the Crown or multiple ministers of the Crown for any of the matters provided for in the policy statement. 2017, c. 23, Sched. 3, s. 3.

### **Minister to confer**

(2) Before issuing a policy statement, the Minister shall confer with such persons or public bodies that the Minister considers have an interest in the proposed statement. 1994, c. 23, s. 6 (1).

### **Notice**

(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and shall give such further notice of it, in such manner as the Minister considers appropriate, to all members of the Assembly and to any other persons or public bodies that the Minister considers have an interest in the statement. 1994, c. 23, s. 6 (1).

### **Idem**

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. R.S.O. 1990, c. P.13, s. 3 (4).

### **Policy statements and provincial plans**

(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

### **Same**

(6) Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

### **Duties of Minister unaffected**

(7) Except as provided in subsections (5) and (6), nothing in this section affects nor restricts the Minister in carrying out the Minister's duties and responsibilities under this Act. 1996, c. 4, s. 3.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Deemed policy statements**

(8) Each of the following is deemed to be a policy statement issued under subsection (1):

1. A policy statement issued under section 31.1 of the *Metrolinx Act, 2006*.
2. A policy statement issued under section 11 of the *Resource Recovery and Circular Economy Act, 2016*.
3. A policy or statement that is prescribed for the purpose of this subsection. 2017, c. 23, Sched. 3, s. 3.

### **Exceptions**

(9) Subsections (1.1), (2), (3) and (10) do not apply to a policy or statement that is deemed by subsection (8) to be a policy statement issued under subsection (1). 2017, c. 23, Sched. 3, s. 3.

### **Review**

(10) The Minister shall, at least every 10 years from the date that a policy statement is issued under subsection (1), ensure that a review of the policy statement is undertaken for the purpose of determining the need for a revision of the policy statement. 1994, c. 23, s. 6 (3); 2015, c. 26, s. 14.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 6 (1, 3) - 28/03/1995; 1996, c. 4, s. 3 - 22/05/1996; 1998, c. 15, Sched. E, s. 27 (1, 2) - 01/04/1999

2004, c. 18, s. 2 - 01/03/2005

2006, c. 23, s. 5 - 01/01/2007

2015, c. 26, s. 14 - 03/12/2015

2017, c. 23, Sched. 3, s. 3 - 03/04/2018; 2017, c. 23, Sched. 5, s. 80 - 03/04/2018

### **Delegation of Minister's powers**

4 (1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act, other than the authority to approve or the authority to exempt from approval the official plan or amendments to the official plan of the municipality of which it is the council and, where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto. R.S.O. 1990, c. P.13, s. 4 (1); 1996, c. 4, s. 4 (1); 1999, c. 12, Sched. M, s. 21; 2006, c. 23, s. 6; 2015, c. 26, s. 15 (1).

### **Same**

(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve or the authority to exempt from approval an official plan or amendments to an official plan, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto. R.S.O. 1990, c. P.13, s. 4 (2); 1996, c. 4, s. 4 (2); 2015, c. 26, s. 15 (2).

### **Delegation where no request is made**

(2.1) The Minister may, after the prescribed notice is given, by order delegate to the council of an upper-tier municipality or a single-tier municipality any of the Minister's authority described in subsection (1) if the municipality has an official plan. 2002, c. 17, Sched. B, s. 2.

### **Delegation to planning board**

(2.2) The Minister may, after the prescribed notice is given, by order delegate to a planning board any of the Minister's authority described in subsection (2) if the planning board has an official plan. 1996, c. 4, s. 4 (3).

(3) REPEALED: 1994, c. 23, s. 7.

### **Conditions**

(4) A delegation made by the Minister under this section may be subject to such conditions as the Minister may by order provide. 1996, c. 4, s. 4 (4).

### **Withdrawal of delegation of powers**

(5) The Minister may by order, accompanied by a written explanation therefor, withdraw any delegation made under this section and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal. R.S.O. 1990, c. P.13, s. 4 (5); 1993, c. 26, s. 49 (4); 1996, c. 4, s. 4 (5).

#### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 49 (4) - 02/12/1993; 1994, c. 23, s. 7 - 28/03/1995; 1996, c. 4, s. 4 (1-5) - 22/05/1996; 1999, c. 12, Sched. M, s. 21 - 22/12/1999

2002, c. 17, Sched. B, s. 2 - 01/01/2003

2006, c. 23, s. 6 - 01/01/2007

2015, c. 26, s. 15 (1, 2) - 03/12/2015

#### **Further delegation of powers**

**5** (1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including the referral of any matter to the Tribunal. R.S.O. 1990, c. P.13, s. 5 (1); 1996, c. 4, s. 5 (1); 2017, c. 23, Sched. 5, s. 83.

#### **Limitation**

(2) Despite subsection (1), a council may not delegate the authority to approve or the authority to exempt from approval amendments to official plans without the prior written approval of the Minister, which approval may be subject to such further conditions as the Minister considers appropriate. R.S.O. 1990, c. P.13, s. 5 (2); 1996, c. 4, s. 5 (2).

#### **Further delegation of powers**

(3) In addition to the authority of a council to, in turn, delegate any authority under subsection (1), where the Minister has delegated to a council his or her authority for the giving of consents under section 53, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 44.

#### **Conditions**

(4) A delegation made by a council under subsection (1) or (3) may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

#### **Withdrawal of delegation of powers**

(5) A council may by by-law withdraw any delegation made under subsection (1) or (3), whereupon subsection 4 (5) applies with necessary modifications. R.S.O. 1990, c. P.13, s. 5 (3-5).

#### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 5 (1, 2) - 22/05/1996

2017, c. 23, Sched. 5, s. 83 - 03/04/2018

#### **Consultation**

**6** (1) In this section,

“ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government. R.S.O. 1990, c. P.13, s. 6 (1); 1998, c. 15, Sched. E, s. 27 (3).

#### **Planning policies**

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality. R.S.O. 1990, c. P.13, s. 6 (2).

#### **Section Amendments with date in force (d/m/y)**

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



1998, c. 15, Sched. E, s. 27 (3) - 01/04/1999

### **Grants**

7 The Minister may, out of the money appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature. R.S.O. 1990, c. P.13, s. 7.

## **PART II LOCAL PLANNING ADMINISTRATION**

### **Planning advisory committee**

#### **Mandatory for certain municipalities**

8 (1) The council of every upper-tier municipality and the council of every single-tier municipality that is not in a territorial district, except the council of the Township of Pelee, shall appoint a planning advisory committee in accordance with this section. 2015, c. 26, s. 16.

#### **Optional for other municipalities**

(2) The council of a lower-tier municipality, the council of a single-tier municipality that is in a territorial district or the council of the Township of Pelee may appoint a planning advisory committee in accordance with this section. 2015, c. 26, s. 16.

#### **Joint planning by agreement**

(3) The councils of two or more municipalities described in subsection (2) may enter into an agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee in accordance with this section. 2015, c. 26, s. 16.

#### **Membership**

(4) The members of a planning advisory committee shall be chosen by the council and shall include at least one resident of the municipality who is neither a member of a municipal council nor an employee of the municipality. 2015, c. 26, s. 16.

#### **Same**

(5) Subsection (4) applies with respect to a joint planning advisory committee, with necessary modifications. 2015, c. 26, s. 16.

#### **Remuneration**

(6) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning the costs of the payments to their respective municipalities. 2015, c. 26, s. 16.

#### **Section Amendments with date in force (d/m/y)**

2015, c. 26, s. 16 - 01/07/2016

#### **Local appeal body**

8.1 (1) If a municipality meets the prescribed conditions, the council may by by-law constitute and appoint one appeal body for certain local land use planning matters, composed of such persons as the council considers advisable, subject to subsections (3), (4) and (5). 2006, c. 23, s. 7.

#### **Local and upper-tier municipalities**

(2) For greater certainty, this section applies to both local and upper-tier municipalities. 2006, c. 23, s. 7.

#### **Term and qualifications**

(3) A person who is appointed to the local appeal body,

- (a) shall serve for the prescribed term, or if no term is prescribed, for the term specified in the by-law; and
- (b) shall have the prescribed qualifications, if any. 2006, c. 23, s. 7.

#### **Eligibility criteria**

(4) In appointing persons to the local appeal body, the council shall have regard to any prescribed eligibility criteria. 2006, c. 23, s. 7.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



### **Restriction**

- (5) The council shall not appoint to the local appeal body a person who is,
- (a) an employee of the municipality;
  - (b) a member of a municipal council, land division committee, committee of adjustment, planning board or planning advisory committee; or
  - (c) a member of a prescribed class. 2006, c. 23, s. 7.

### **Power to hear appeals, etc.**

- (6) The council may by by-law empower the local appeal body to hear appeals or motions for directions, as the case may be, under,
- (a) subsections 41 (4.2), (12) and (12.0.1);
  - (b) subsection 45 (12);
  - (c) subsections 53 (4.1), (14), (19) and (27); or
  - (d) the provisions listed in any combination of clauses (a), (b) and (c). 2017, c. 23, Sched. 3, s. 4 (1).

### **Interpretation re appeals**

(6.1) The following rules apply if a by-law has been passed under subsection (6) empowering the local appeal body to hear motions for directions under subsection 41 (4.2) or 53 (4.1), or both:

1. References in this section to an appeal, other than in subsection (10), shall be read as including a reference to a motion for directions under either subsection 41 (4.2) or 53 (4.1), or both, as the case may be.
2. The reference in subsection (9) to an appellant shall be read as including a reference to a person or public body making a motion for directions under either subsection 41 (4.2) or 53 (4.1), or both, as the case may be. 2017, c. 23, Sched. 3, s. 4 (1).

### **Effect of by-law under subs. (6)**

- (7) If a by-law has been passed under subsection (6),
- (a) the local appeal body has all the powers and duties of the Tribunal under the relevant provisions of this Act;
  - (b) all references in this Act to the Tribunal in connection with appeals under the relevant provisions shall be read as references to the local appeal body; and
  - (c) appeals under the relevant provisions shall be made to the local appeal body, not to the Tribunal. 2017, c. 23, Sched. 3, s. 4 (2).

### **Prescribed requirements**

(8) The local appeal body shall comply with any prescribed requirements including, without limitation, requirements for the rules governing the practice and procedure before the local appeal body. 2006, c. 23, s. 7.

### **Fee**

(9) An appellant shall pay to the local appeal body any fee that the council establishes by by-law. 2006, c. 23, s. 7.

### **Appeal**

(10) An appeal lies from the local appeal body to the Divisional Court, with leave of the Divisional Court, on a question of law. 2006, c. 23, s. 7.

### **Exception**

(11) Subsection (10) does not apply in respect of a motion for directions under subsection 41 (4.2) or 53 (4.1). 2017, c. 23, Sched. 3, s. 4 (3).

### **Exception, related appeals**

(12) Despite subsection (7), an appeal under a provision listed in subsection (6) shall be made to the Tribunal, not to the local appeal body, if a related appeal,

- (a) has previously been made to the Tribunal and has not yet been finally disposed of; or

- (b) is made to the Tribunal together with the appeal under a provision listed in subsection (6). 2017, c. 23, Sched. 5, s. 84 (1).

#### **Same**

(13) For the purposes of subsections (12) and (16), an appeal is a related appeal with respect to an appeal under a provision listed in subsection (6) if it is made,

- (a) in respect of the same matter as the appeal under a provision listed in subsection (6); and
- (b) under another provision listed in subsection (6) in respect of which the local appeal body has not been empowered, under section 17, 22, 34, 36, 38 or 51 or in relation to a development permit system. 2006, c. 23, s. 7; 2017, c. 23, Sched. 3, s. 4 (4).

#### **Dispute**

(14) A person may make a motion for directions to have the Tribunal determine a dispute about whether subsection (12) or (16) applies to an appeal. 2017, c. 23, Sched. 5, s. 84 (1).

#### **Final determination**

(15) The Tribunal's determination under subsection (14) is not subject to appeal or review. 2017, c. 23, Sched. 5, s. 84 (1).

#### **L.P.A.T. to assume jurisdiction**

(16) If an appeal has been made to a local appeal body under a provision listed in subsection (6) but no hearing has begun, and a notice of appeal is filed with the Tribunal in respect of a related appeal, the Tribunal shall assume jurisdiction to hear the first-mentioned appeal. 2006, c. 23, s. 7; 2017, c. 23, Sched. 3, s. 4 (5).

#### **Same**

(17) When the Tribunal assumes jurisdiction as described in subsection (16), the local appeal body,

- (a) shall immediately forward to the Tribunal all information and material in its possession that relates to the appeal; and
- (b) shall not take any further action with respect to the appeal. 2017, c. 23, Sched. 5, s. 84 (1).

#### **Withdrawal of power**

(18) The Minister may by order, accompanied by a written explanation for it, withdraw the power given to a local appeal body under subsections (6) and (7), and the order may be in respect of the appeals specified in the order, subject to subsection (19), or in respect of any or all appeals made after the order is made. 2006, c. 23, s. 7.

#### **Exception**

(19) An order made under subsection (18) does not apply to an appeal if the hearing before the local appeal body has begun on or before the date of the order. 2006, c. 23, s. 7.

#### **Effect of withdrawal**

(20) If an order is made under subsection (18),

- (a) the Tribunal shall hear all appeals to which the order applies; and
- (b) the local appeal body to which the order relates shall forward to the Tribunal all information and material in its possession that relates to any appeal to which the order applies. 2017, c. 23, Sched. 5, s. 84 (1).

#### **Revocation of withdrawal**

(21) The Minister may by order, accompanied by a written explanation for it, revoke all or part of an order made under subsection (18). 2006, c. 23, s. 7.

#### **Exception**

(22) An order made under subsection (21) does not apply to an appeal if the hearing before the Tribunal has begun on or before the date of the order. 2006, c. 23, s. 7; 2017, c. 23, Sched. 5, s. 80.

#### **Effect of revocation**

(23) If an order is made under subsection (21),

- (a) the local appeal body shall hear all appeals to which the order applies; and
- (b) the Tribunal shall forward to the local appeal body all information and material in its possession that relates to any appeal to which the order applies. 2017, c. 23, Sched. 5, s. 84 (1).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Dissolution of local appeal body**

(23.1) Subject to subsections (23.2) and (23.3), the Minister may by order dissolve the local appeal body. 2017, c. 10, Sched. 4, s. 11 (2).

### **Rules re dissolution order**

(23.2) If the Minister makes an order under subsection (23.1), the following rules apply:

1. In respect of an appeal that is made to the local appeal body on or before the date the order is made and for which a hearing before the local appeal body has not begun on or before that date, the appeal shall be heard by the Tribunal and the local appeal body shall forward to the Tribunal all information and material in its possession that relates to any such appeal.
2. The local appeal body shall continue to hear an appeal for which a hearing has begun on or before the date of the order.
3. An appeal under a provision listed in subsection (6) shall be made to the Tribunal. 2017, c. 10, Sched. 4, s. 11 (2); 2017, c. 23, Sched. 5, s. 84 (2).

### **Effective date of order under subs. (23.1)**

(23.3) An order made under subsection (23.1) shall take effect on the following:

1. If there are no appeals referred to in subsection (23.2) before the local appeal body, the date on which the order is made.
2. If there are one or more appeals referred to in subsection (23.2) before the local appeal body, the day on which the local appeal body has finally disposed of all of those appeals. 2017, c. 10, Sched. 4, s. 11 (2).

### **Not regulation**

(23.4) An order of the Minister under subsection (23.1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2017, c. 10, Sched. 4, s. 11 (2).

### **Restriction**

(24) This section does not authorize a municipality to,

- (a) establish a joint local appeal body together with one or more other municipalities; or
- (b) empower a local appeal body that is established by another municipality to hear appeals. 2006, c. 23, s. 7.

### **City of Toronto**

(25) This section does not apply with respect to the City of Toronto. 2006, c. 23, s. 7.

### **Transition**

(26) This section does not apply to the following:

1. An appeal under subsection 45 (12), if the decision of the committee in respect of which a notice of appeal is filed is made before the day on which a by-law passed under subsection (6) of this section by the council of the relevant municipality that empowers the local appeal body to hear that type of appeal comes into force.
2. An appeal under subsection 53 (19) or (27), if the notice under subsection 53 (17) or (24), as the case may be, is given before the day on which a by-law passed under subsection (6) of this section by the council of the relevant municipality that empowers the local appeal body to hear that type of appeal comes into force.
3. An appeal under subsection 41 (4.2), (12) or (12.0.1) or 53 (4.1) or (14), if the appeal is made before the day on which a by-law passed under subsection (6) of this section by the council of the relevant municipality that empowers the local appeal body to hear that type of appeal comes into force. 2017, c. 23, Sched. 3, s. 4 (6).

### **Deeming rule re appeals under subs. 53 (4.1)**

(27) If a municipality has, before the day subsection 4 (1) of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, passed a by-law under subsection (6) of this section empowering the local appeal body to hear appeals under subsections 53 (14), (19) and (27), the by-law is deemed to empower the local appeal body to hear appeals under subsection 53 (4.1) that are made on or after that day. 2017, c. 23, Sched. 3, s. 4 (6).

### **Section Amendments with date in force (d/m/y)**

2006, c. 23, s. 7 - 01/01/2007

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2017, c. 10, Sched. 4, s. 11 (2) - 30/05/2017; 2017, c. 23, Sched. 3, s. 4 (1-6) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 84 (1, 2) - 03/04/2018

### **Planning area defined by Minister**

**9** (1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

### **Planning board for planning area**

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

### **Appointments to board**

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

### **Term of office**

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed. R.S.O. 1990, c. P.13, s. 9.

### **Planning area in unorganized territory**

**10** The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof. R.S.O. 1990, c. P.13, s. 10.

### **Body corporate**

**11** (1) A planning board is a body corporate and a majority of its members constitutes a quorum.

### **Chair**

(2) A planning board shall annually elect a chair and a vice-chair who shall preside in the absence of the chair.

### **Secretary-treasurer, employees, consultants**

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as are considered appropriate.

### **Execution of documents**

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chair or the vice-chair and of the secretary-treasurer, and the corporate seal of the board. R.S.O. 1990, c. P.13, s. 11.

### **Estimates**

**12** (1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the money appropriated for the planning board such amounts as may be requisitioned from time to time. R.S.O. 1990, c. P.13, s. 12 (1).

### **Two or more municipalities**

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality. R.S.O. 1990, c. P.13, s. 12 (2).

### **When estimates binding**

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities. R.S.O. 1990, c. P.13, s. 12 (3).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Notification**

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2). R.S.O. 1990, c. P.13, s. 12 (4).

## **Where apportionment not satisfactory**

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the Tribunal that it desires the apportionment to be made by the Tribunal. 2017, c. 23, Sched. 5, s. 85.

## **Power of L.P.A.T.**

(6) The Tribunal shall hold a hearing and determine the apportionment and its decision is final. R.S.O. 1990, c. P.13, s. 12 (6); 2017, c. 23, Sched. 5, s. 80.

## **Payment**

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Tribunal under subsection (6), as the case may be. R.S.O. 1990, c. P.13, s. 12 (7); 2017, c. 23, Sched. 5, s. 80.

## **Section Amendments with date in force (d/m/y)**

2017, c. 23, Sched. 5, s. 80, 85 - 03/04/2018

## **Municipal grants**

**13** Any municipality within a planning area may make grants of money to the planning board of the planning area. R.S.O. 1990, c. P.13, s. 13.

## **Duties of planning board**

**14** (1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

- (a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or
- (b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

## **Preparation of official plan**

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council. R.S.O. 1990, c. P.13, s. 14.

## **Joint planning areas**

**14.1** (1) The councils of two or more local municipalities that are within one or more counties whether or not they form part of a county for municipal purposes may by by-law define a municipal planning area, establish a municipal planning authority for the area and specify the name of the authority.

## **Approval of by-law**

(2) The council of a municipality shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister after consulting with the council of any affected county.

## **Body corporate**

(3) A municipal planning authority is a body corporate.

## **Composition**

(4) All the members of a municipal planning authority shall be members of council.

## **Number of members**

(5) The council of each local municipality shall appoint to the municipal planning authority the number of members prescribed and, after the initial appointments, the appointments shall be made by each successive council as soon as possible after the council is organized.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Term**

(6) The members of the municipal planning authority shall hold office for the term of the council that appointed them and until their successors are appointed.

## **Vacancies**

(7) If a vacancy occurs from any cause, the council shall, as soon as possible, appoint a member of its council to the municipal planning authority who shall hold office for the remainder of the unexpired term. 1994, c. 23, s. 8.

## **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995

## **Municipal planning authority**

**14.2** (1) Each member of a municipal planning authority is entitled to one vote. 1994, c. 23, s. 8.

## **Quorum**

(2) A majority of the members of a municipal planning authority constitutes a quorum. 1994, c. 23, s. 8.

## **Chair**

(3) A municipal planning authority shall annually elect a chair and a vice-chair who shall preside in the absence of the chair. 1994, c. 23, s. 8.

## **Secretary-treasurer**

(4) A municipal planning authority shall appoint a secretary-treasurer who may be a member of the authority. 1994, c. 23, s. 8.

## **Documents**

(5) The execution of documents by a municipal planning authority shall be evidenced by the signatures of the chair or the vice-chair and of the secretary-treasurer and the corporate seal of the authority. 1994, c. 23, s. 8.

## **Records, inspection**

(6) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions on them and of all other business of the authority, and section 253 of the *Municipal Act, 2001* applies with necessary modifications in respect of the documents kept. 1994, c. 23, s. 8; 2002, c. 17, Sched. B, s. 3.

## **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995

2002, c. 17, Sched. B, s. 3 - 01/01/2003

## **Finance**

**14.3** (1) On or before March 31 of each year, a municipal planning authority shall determine its financial requirements and the proportion of it to be chargeable to each municipality and shall notify the council of each of the municipalities within the municipal planning area of its financial requirements together with a statement as to the proportion of it to be chargeable to each municipality. 1994, c. 23, s. 8.

## **Determination by Tribunal**

(2) If the council of any municipality is not satisfied with the apportionment, it may, within 15 days after receiving the notice, notify the municipal planning authority and the Tribunal that it desires the apportionment to be made by the Tribunal. 2017, c. 23, Sched. 5, s. 86.

## **Hearing**

(3) The Tribunal shall hold a hearing and determine the apportionment and its decision is final. 1994, c. 23, s. 8; 2017, c. 23, Sched. 5, s. 80.

## **Payments**

(4) Each municipality shall pay to the secretary-treasurer of the municipal planning authority such amounts as may be requisitioned from time to time up to the amount determined by the municipal planning authority under subsection (1) or by the Tribunal under subsection (3), as the case may be. 1994, c. 23, s. 8; 2017, c. 23, Sched. 5, s. 80.

## **County levy**

(5) If a municipal planning authority has been established, a county shall raise the amounts required for county land use planning purposes by levying a special rate on rateable property not in the municipal planning area. 1997, c. 29, s. 65.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995; 1997, c. 29, s. 65 - 01/01/1998

2017, c. 23, Sched. 5, s. 80, 86 - 03/04/2018

## **Expansion**

**14.4** (1) A municipal planning authority may, upon the request of the council of a local municipality that is within a county, whether or not it forms part of the county for municipal purposes, by by-law redefine the municipal planning area to add the municipality to the planning area and rename the municipal planning authority.

### **Approval of by-law**

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister after consulting with the council of any affected county.

## **Appointments**

(3) The council of a municipality added to a municipal planning authority under subsection (1) shall, as soon as possible, appoint to the authority the number of members prescribed and, after the initial appointment, the appointments shall be made by each successive council, as soon as possible, after the council is organized. 1994, c. 23, s. 8.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995

## **Removal**

**14.5** (1) Upon the request of the council of a local municipality that is within a municipal planning area, the municipal planning authority shall by by-law redefine the municipal planning area to remove the municipality from the planning area and may rename the municipal planning authority.

### **Approval**

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister.

## **Adjustment**

(3) The members of a municipal planning authority appointed by a local municipality which is removed from the authority shall cease to be members of the authority on the date the by-law passed under subsection (1) comes into effect. 1994, c. 23, s. 8.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995

## **Dissolution**

**14.6** (1) A municipal planning authority may by by-law dissolve the municipal planning area and the municipal planning authority. 1994, c. 23, s. 8.

### **Approval**

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister. 1994, c. 23, s. 8.

## **Dissolution by Minister**

(3) The Minister may by order dissolve a municipal planning area and a municipal planning authority. 1994, c. 23, s. 8.

## **Assets, liabilities**

(4) All the assets and liabilities of a municipal planning authority dissolved under this section are assets and liabilities of the municipalities that formed part of the municipal planning area and, if such municipalities cannot agree as to the disposition of the assets and liabilities, the Tribunal, upon the application of one or more of the municipalities, shall direct a final disposition. 1994, c. 23, s. 8; 2017, c. 23, Sched. 5, s. 80.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



## **Same**

(5) If assets or liabilities are transferred or assigned to a municipality under an agreement or an order of the Tribunal under this section, the municipality stands in the place of the municipal planning authority for all purposes. 1994, c. 23, s. 8; 2017, c. 23, Sched. 5, s. 80.

## **Transitional matters**

(6) Despite this or any other Act, the Minister may by order provide for transitional matters which, in the opinion of the Minister, are necessary or expedient to establish, expand or dissolve a municipal planning authority or to remove a municipality from a municipal planning authority. 1994, c. 23, s. 8.

## **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995

2017, c. 23, Sched. 5, s. 80 - 03/04/2018

## **Official plan**

**14.7** (1) If land in a municipal planning area is covered by the official plan of a county, the parts of the official plan which affect the land in the municipal planning area shall be deemed for all purposes to be the official plan of the municipal planning authority on the day the municipal planning authority is established and the county shall forward to the municipal planning authority all papers, plans and documents and other material that relate to the parts of the official plan that are deemed to be the official plan of the municipal planning authority.

## **Restriction**

(2) The council of a county shall not exercise any power under section 17 in respect of land in the county that is in a municipal planning area. 1994, c. 23, s. 8.

## **Preparation of plan**

(3) A municipal planning authority shall prepare and adopt a plan and, unless exempt from approval, submit it for approval as an official plan in respect of the land in the municipal planning area that is not covered by an official plan deemed under subsection (1) to be the official plan of the municipal planning authority. 1994, c. 23, s. 8; 1996, c. 4, s. 6 (1).

## **Application**

(4) Section 17 applies with necessary modification to the preparation and adoption of a plan by a municipal planning authority and, unless exempt from approval, the approval of the plan as an official plan as though the planning authority were the council of the municipality and the secretary-treasurer were the clerk of the municipality. 1996, c. 4, s. 6 (2).

## **Deemed official plan**

(5) If land that is in a local municipality that forms part of a county for municipal purposes is removed from a municipal planning area, the parts of the official plan of the municipal planning authority which affect the land removed from the municipal planning area shall be deemed for all purposes to be the official plan of the county on the day the by-law removing the land is passed and the municipal planning authority shall forward to the county all papers, plans and documents and other materials that relate to the parts of the plan that are deemed to be the official plan of the county.

## **Revocation**

(6) If land that is in a local municipality that does not form part of a county for municipal purposes is removed from a municipal planning area, the parts of the official plan which affect the land removed from the municipal planning area are revoked.

## **Deemed plan**

(7) If land that is in a local municipality that forms part of a county for municipal purposes is in a municipal planning area that is dissolved, the parts of the official plan of the municipal planning authority which affect land in the local municipality shall be deemed for all purposes to be the official plan of the county on the day the municipal planning authority is dissolved.

## **Revocation**

(8) If land that is in a local municipality that does not form part of a county for municipal purposes is in a municipal planning area that is dissolved, the parts of the official plan of the municipal planning authority which affect land in the local municipality are revoked.

### **Conformity with upper tier plan**

(9) Section 27 applies with necessary modifications to the official plan of a planning authority as though the official plan of the municipal planning authority were the official plan of a county and the municipal planning authority were the council of a county. 1994, c. 23, s. 8.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995; 1996, c. 4, s. 6 (1, 2) - 22/05/1996

### **Deemed council, municipality**

**14.8** (1) Sections 2 and 3, subsections 4 (1), (4) and (5), 5 (1), (2), (4) and (5), 6 (2), 8 (1) and (3), sections 16, 16.1, 17, 20, 21, 22, 23 and 26, subsection 51 (37) and (45), sections 62.1, 65, 66, 68 and 69 apply to a municipal planning area or a municipal planning authority, as appropriate, and the municipal planning area and municipal planning authority shall be deemed to be a municipality or a council of a municipality, respectively, for those purposes. 1994, c. 23, s. 8.

(2) REPEALED: 1996, c. 4, s. 7.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 8 - 28/03/1995; 1996, c. 4, s. 7 - 22/05/1996

### **Upper-tier municipalities, planning functions**

**15** The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act; or
- (b) provide advice and assistance to the lower-tier municipality in respect of planning matters generally. 2002, c. 17, Sched. B, s. 4.

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 4 - 01/01/2003

## **PART III OFFICIAL PLANS**

### **Official plan**

#### **Contents of official plan**

**16** (1) An official plan shall contain,

- (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;
- (a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of,
  - (i) proposed amendments to the official plan or proposed revisions of the plan,
  - (ii) proposed zoning by-laws,
  - (iii) proposed plans of subdivision, and
  - (iv) proposed consents under section 53; and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17; 2017, c. 23, Sched. 3, s. 5 (1).

#### **Same**

(2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of planning matters not mentioned in clause (1) (b); and

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

(c) such other matters as may be prescribed. 2015, c. 26, s. 17.

#### **Additional residential unit policies**

~~(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,~~

~~(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and~~

~~(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.~~

#### **Second unit policies**

~~(3) An official plan shall contain policies that authorize the use of a second residential unit by authorizing,~~

~~(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and~~

~~(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit. 2011, c. 6, Sched. 2, s. 2; 2016, c. 25, Sched. 4, s. 1 (1).~~

#### **Inclusionary zoning policies**

(4) An official plan of a municipality that is prescribed for the purpose of this subsection shall contain policies that authorize inclusionary zoning by,

(a) authorizing the inclusion of affordable housing units within buildings or projects containing other residential units; and

(b) providing for the affordable housing units to be maintained as affordable housing units over time. 2016, c. 25, Sched. 4, s. 1 (2).

#### **Same**

~~(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of,~~

~~(a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or~~

~~(b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1).~~

#### **Adoption of inclusionary zoning policies**

~~(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,~~

~~(a) that identify an area as the protected major transit station area described in clause (5) (a); or~~

~~(b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established.~~

#### **Same**

~~(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4). 2016, c. 25, Sched. 4, s. 1 (2).~~

#### **Goals and objectives**

(6) The policies described in subsection (4) shall include goals and objectives and a description of the measures and procedures proposed to attain those goals and objectives. 2016, c. 25, Sched. 4, s. 1 (2).

#### **Prescribed provisions and matters**

(7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 1 (2).

#### **No limitation**

(8) Each subsection of this section shall be read as not limiting what an official plan is required to or may contain under any of the other subsections. 2016, c. 25, Sched. 4, s. 1 (2).

#### **Assessment report**

(9) Before adopting the parts of an official plan which contain policies described in subsection (4), the council of the municipality shall ensure that an assessment report has been prepared. 2016, c. 25, Sched. 4, s. 1 (3).

### **Updating of assessment report**

(10) Within five years after the parts of its official plan which contain policies described in subsection (4) come into effect, the council of the municipality shall ensure that an updated assessment report is prepared for the purpose of determining whether any of those parts of the official plan should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

### **Periodic updating**

(11) As long as its official plan contains policies described in subsection (4), the council of the municipality shall ensure that an updated assessment report is prepared within five years after the date of the most recent updated assessment report, for the purpose of determining whether any of the parts of the official plan which contain policies described in subsection (4) should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

### **Requirements relating to assessment reports**

(12) The council of the municipality shall ensure that the initial assessment report and every updated assessment report includes the information and documents specified in the regulations and complies with the requirements specified in the regulations. 2016, c. 25, Sched. 4, s. 1 (3).

### **Assessment reports to be made available to public**

(13) The council of the municipality shall ensure that the initial assessment report is made available to the public before the parts of the official plan which contain policies described in subsection (4) are adopted and that every updated assessment report is made available to the public before any amendments to the parts of the official plan which contain policies described in subsection (4) are adopted. 2016, c. 25, Sched. 4, s. 1 (3).

### **Climate change policies**

(14) An official plan shall contain policies that identify goals, objectives and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate, including through increasing resiliency. 2017, c. 23, Sched. 3, s. 5 (2).

### **Protected major transit station areas – single-tier municipality**

(15) The official plan of a single-tier municipality may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station area and that delineate the area's boundaries, and if the official plan includes such policies it must also contain policies that,

- (a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- (b) identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
- (c) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area. 2017, c. 23, Sched. 3, s. 5 (2).

### **Same, upper-tier municipality**

(16) The official plan of an upper-tier municipality may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station area and that delineate the area's boundaries, and if the official plan includes such policies it must also contain policies that,

- (a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area; and
- (b) require official plans of the relevant lower-tier municipality or municipalities to include policies that,
  - (i) identify the authorized uses of land in the area and of buildings or structures on lands in the area; and
  - (ii) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area. 2017, c. 23, Sched. 3, s. 5 (2).

### **Failure to amend official plan**

(17) If an official plan of a lower-tier municipality that is required to include the policies described in subclauses (16) (b) (i) and (ii) is not amended to include those policies as required by subsection 27 (1) within one year from the day the policies identifying the relevant protected major transit station area in accordance with subsection (16) of this section come into effect, subsection 27 (2) does not apply and instead the council of the upper-tier municipality shall amend the official plan of the lower-tier municipality in the like manner and subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required. 2017, c. 23, Sched. 3, s. 5 (2).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **No exemption under subs. 17 (9)**

(18) An order under subsection 17 (9) does not apply to an amendment to an official plan if the amendment does any of the following:

1. Adds all of the policies described in subsection (15) to the official plan.
2. In the case of an official plan of an upper-tier municipality, adds all of the policies described in subsection (16) to the plan, other than the policies described in subclauses (16) (b) (i) and (ii).
3. In the case of an official plan of a lower-tier municipality, adds all of the policies described in subclauses (16) (b) (i) and (ii) to the plan with respect to a protected major transit station area identified in accordance with subsection (16).
4. Amends or revokes any of the policies described in subsection (15) or (16) with respect to a protected major transit station area identified in accordance with either of those subsections. 2017, c. 23, Sched. 3, s. 5 (2).

### **Authorization under subs. 17 (10) does not apply**

(19) An authorization under subsection 17 (10) does not apply to an amendment to an official plan of a lower-tier municipality that,

- (a) adds all of the policies described in subclauses (16) (b) (i) and (ii) to the plan with respect to a protected major transit station area identified in accordance with subsection (16); or
- (b) amends or revokes any of the policies described in subclauses (16) (b) (i) and (ii) with respect to a protected major transit station area identified in accordance with subsection (16). 2017, c. 23, Sched. 3, s. 5 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 9 - 28/03/1995; 1996, c. 4, s. 8 (1) - 22/05/1996; 1996, c. 4, s. 8 (2) - 16/11/1995

2006, c. 23, s. 8 - 01/01/2007

2011, c. 6, Sched. 2, s. 2 - 01/01/2012

2015, c. 26, s. 17 - 01/07/2016

2016, c. 25, Sched. 4, s. 1 (1-3) - 12/04/2018

2017, c. 23, Sched. 3, s. 5 (1, 2) - 03/04/2018

### **Prescribed process**

**16.1** The council of a municipality or a planning board may by by-law elect to follow the prescribed processes and develop the materials prescribed for the preparation of an official plan and any processes followed or materials developed in the preparation of the plan may be considered under the *Environmental Assessment Act* with respect to any requirement that it must meet under that Act. 1994, c. 23, s. 9.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 9 - 28/03/1995

### **Approvals**

**17 (1)** Except as otherwise provided in this section, the Minister is the approval authority in respect of the approval of a plan as an official plan for the purposes of this section. 1996, c. 4, s. 9.

### **Approval by upper-tier municipality**

(2) An upper-tier municipality is the approval authority in respect of an official plan of a lower-tier municipality for the purposes of this section if the upper-tier municipality has an approved official plan. 2002, c. 17, Sched. B, s. 5 (1).

(3) REPEALED: 2002, c. 17, Sched. B, s. 5 (2).

### **Upper-tier become approval authority**

(4) On the day that all or part of a plan that covers an upper-tier municipality comes into effect as the official plan of a municipality, the upper-tier municipality is the approval authority in respect of the approval of a plan as an official plan of a lower-tier municipality. 2002, c. 17, Sched. B, s. 5 (3).

(5) REPEALED: 2002, c. 17, Sched. B, s. 5 (4).

### **Removal of power**

(6) The Minister may by order, accompanied by a written explanation for it, remove the power given under subsection (2) or (4) and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments submitted for approval after the order is made. 1996, c. 4, s. 9; 2002, c. 17, Sched. B, s. 5 (5).

### **Transfer of approval authority**

(7) If an order is made under subsection (6), the Minister becomes the approval authority in respect of the plans and proposed official plan amendments to which the order relates and the council of the former approval authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter in respect of which the power was removed and of which a final disposition was not made by the approval authority. 1996, c. 4, s. 9.

### **Revocation**

(8) If the Minister revokes the order or part of the order made under subsection (6), the council reverts back to being the approval authority in respect of all plans or proposed official plan amendments to which the revoked order or revoked part of the order applied. 1996, c. 4, s. 9.

### **Exemption**

(9) Subject to subsection 26 (6), the Minister may by order exempt a plan or proposed official plan amendment from his or her approval under this section and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (1).

### **Authority to exempt**

(10) The Minister may by order authorize an approval authority to pass a by-law,

- (a) exempting any or all plans or proposed official plan amendments from its approval under this section; and
- (b) exempting a plan or proposed official plan amendment from its approval under this section. 1996, c. 4, s. 9.

### **Conditions**

(11) An exemption under subsection (9) or (10) or an authorization under subsection (10) may be subject to such conditions as the Minister or the approval authority may provide in the order or by-law. 1996, c. 4, s. 9.

### **Removal of exemption or authorization**

(12) The Minister may by order or an approval authority may by by-law, accompanied by a written explanation for it, remove any exemption made under subsection (9) or (10) or any authorization made under subsection (10). 1996, c. 4, s. 9.

### **Mandatory adoption**

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality. 2002, c. 17, Sched. B, s. 5 (6).

### **Discretionary adoption**

(14) The council of a municipality not prescribed under subsection (13) may prepare and adopt a plan and, unless the plan is exempt from approval, submit it for approval. 2002, c. 17, Sched. B, s. 5 (7).

### **Consultation and public meeting**

(15) In the course of the preparation of a plan, the council shall ensure that,

- (a) the appropriate approval authority is consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material, even if the plan is exempt from approval;
- (b) the prescribed public bodies are consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material;
- (c) adequate information and material, including a copy of the current proposed plan, is made available to the public, in the prescribed manner, if any; and
- (d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan. 2006, c. 23, s. 9 (2).

### **Open house**

(16) If the plan is being revised under section 26 or amended in relation to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under clause (15) (c). 2006, c. 23, s. 9 (2).

### **Notice**

(17) Notice of the public meeting required under clause (15) (d) and of the open house, if any, required under subsection (16) shall,

- (a) be given to the prescribed persons and public bodies, in the prescribed manner; and
- (b) be accompanied by the prescribed information. 2006, c. 23, s. 9 (2).

### **Time for provision of copy to Minister**

(17.1) A copy of the current proposed plan or official plan amendment shall be submitted to the Minister at least 90 days before the municipality gives notice under subsection (17) if,

- (a) the Minister is the approval authority in respect of the plan or amendment; and
- (b) the plan or amendment is not exempt from approval. 2015, c. 26, s. 18 (1).

(17.2) REPEALED: 2015, c. 26, s. 18 (2).

### **Timing of open house**

(18) If an open house is required under subsection (16), it shall be held no later than seven days before the public meeting required under clause (15) (d) is held. 2006, c. 23, s. 9 (2).

### **Timing of public meeting**

(19) The public meeting required under clause (15) (d) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 9 (2).

### **Information and material**

(19.1) The information and material referred to in clause (15) (c), including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting required under clause (15) (d) is held. 2006, c. 23, s. 9 (2).

### **Participation in public meeting**

(19.2) Every person who attends a public meeting required under clause (15) (d) shall be given an opportunity to make representations in respect of the current proposed plan. 2006, c. 23, s. 9 (2).

### **Alternative measures**

(19.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of amendments that may be proposed for the plan and if the measures are complied with, subsections (15) to (19.2) and clause 22 (6.4) (a) do not apply to the proposed amendments, but subsection (19.6) does apply. 2015, c. 26, s. 18 (3).

### **Same**

(19.4) In the course of preparing the official plan, before including alternative measures described in subsection (19.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed amendments to the prescribed persons and public bodies mentioned in clause (17) (a). 2015, c. 26, s. 18 (3).

### **Transition**

(19.4.1) For greater certainty, subsection (19.4) does not apply with respect to alternative measures that are included in an official plan before the day subsection 18 (3) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 18 (3).

### **Information**

(19.5) At a public meeting under clause (15) (d), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (24) and (36). 2006, c. 23, s. 9 (2).



### **Where alternative procedures followed**

(19.6) If subsection (19.3) applies, the information required under subsection (19.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of the proposed amendments. 2006, c. 23, s. 9 (2).

### **Submissions**

(20) Any person or public body may make written submissions to the council before a plan is adopted. 1996, c. 4, s. 9.

### **Comments**

(21) The council shall provide to any person or public body that the council considers may have an interest in the plan adequate information and material, including a copy of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (3).

### **Adoption of plan**

(22) When the requirements of subsections (15) to (21), as appropriate, have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, the council may by by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit it for approval. 1996, c. 4, s. 9.

### **Notice**

(23) The council shall ensure that written notice of the adoption of the plan is given in the prescribed manner, no later than 15 days after the day it was adopted,

- (a) to the appropriate approval authority, whether or not the plan is exempt from approval, unless the approval authority has notified the municipality that it does not wish to receive copies of the notices of adoption;
- (b) to each person or public body that filed with the clerk of the municipality a written request to be notified if the plan is adopted; and
- (c) to any other person or public body that is prescribed. 2015, c. 26, s. 18 (4).

### **Contents**

(23.1) The notice under subsection (23) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (23.2) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 18 (4).

### **Written and oral submissions**

(23.2) Clause (23.1) (a) applies to,

- (a) any written submissions relating to the plan that were made to the council before its decision; and
- (b) any oral submissions relating to the plan that were made at a public meeting. 2015, c. 26, s. 18 (4).

### **Right to appeal**

(24) If the plan is exempt from approval, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. The appropriate approval authority.
4. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (4); 2017, c. 23, Sched. 5, s. 80.

### **Basis for appeal**

~~(24.0.1) An appeal under subsection (24) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (1).~~

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **No appeal re second unit policies**

(24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies. 2011, c. 6, Sched. 2, s. 3 (1).

### **Exception re Minister**

(24.1.1) Subsection (24.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (1).

### **No appeal re inclusionary zoning policies**

(24.1.2) Despite subsection (24), there is no appeal in respect of policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies. 2016, c. 25, Sched. 4, s. 2 (2).

### **Exception re Minister**

(24.1.3) Subsection (24.1.2) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (2).

### **No appeal re certain matters**

(24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

(a) before a development permit system may be adopted or established; or

(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.

### **Limitation**

(24.1.5) Subsection (24.1.4) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.

### **Exception re Minister**

(24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister.

### **No global appeal**

(24.2) Despite subsection (24), in the case of a new official plan there is no appeal in respect of all of the decision of council to adopt all of the plan. 2015, c. 26, s. 18 (5).

### **Same**

(24.3) For greater certainty, subsection (24.2) does not prevent an appeal relating to a part of the decision or a part of the plan, as authorized by subsection (24). 2015, c. 26, s. 18 (5).

### **No appeal re certain matters**

(24.4) Despite subsection (24), there is no appeal in respect of a part of an official plan that is described in subsection (24.5). 2015, c. 26, s. 18 (5).

### **Same**

(24.5) Subsections (24.4) and (36.4) apply to a part of an official plan that,

(a) identifies an area as being within the boundary of,

(i) a vulnerable area as defined in subsection 2 (1) of the *Clean Water Act, 2006*,

(ii) the Lake Simcoe watershed as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,

(iii) the Greenbelt Area or Protected Countryside as defined in subsection 1 (1) of the *Greenbelt Act, 2005*, or within the boundary of a specialty crop area designated by the Greenbelt Plan established under that Act, or

(iv) the Oak Ridges Moraine Conservation Plan Area as defined in subsection 3 (1) of the *Oak Ridges Moraine Conservation Act, 2001*;

(b) identifies forecasted population and employment growth as set out in a growth plan that,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (i) is approved under the *Places to Grow Act, 2005*, and
- (ii) applies to the Greater Golden Horseshoe growth plan area designated in Ontario Regulation 416/05 (Growth Plan Areas) made under that Act;
- (c) in the case of the official plan of a lower-tier municipality in the Greater Golden Horseshoe growth plan area mentioned in subclause (b) (ii), identifies forecasted population and employment growth as allocated to the lower-tier municipality in the upper-tier municipality's official plan, but only if the upper-tier municipality's plan has been approved by the Minister; or
- (d) in the case of the official plan of a lower-tier municipality, identifies the boundary of an area of settlement to reflect the boundary set out in the upper-tier municipality's official plan, but only if the upper-tier municipality's plan has been approved by the Minister. 2015, c. 26, s. 18 (5).

### Notice of appeal

(25) The notice of appeal filed under subsection (24) must,

- (a) set out the specific part of the plan to which the notice applies;

(b) set out the reasons for the appeal; and

~~— (b) explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan; and~~

- (c) be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (6); 2017, c. 23, Sched. 3, s. 6 (2); 2017, c. 23, Sched. 5, s. 81.

~~(25.1) REPEALED: 2017, c. 23, Sched. 3, s. 6 (3).~~

### Same

(25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.

### Timing

(26) For the purposes of subsections (24), (36) ~~and (41.1)~~, the giving of written notice shall be deemed to be completed,

- (a) where notice is given by personal service, on the day that the serving of all required notices is completed;
- (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;
- (b) where notice is given by mail, on the day that the mailing of all required notices is completed; and
- (c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (8).

### Use of dispute resolution techniques

(26.1) When a notice of appeal is filed under subsection (24), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 18 (9).

### Notice and invitation

(26.2) If the council decides to act under subsection (26.1),

- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) it shall give an invitation to participate in the dispute resolution process to,
  - (i) as many of the appellants as the council considers appropriate,
  - (ii) in the case of a request to amend the plan, the person or public body that made the request,
  - (iii) the Minister,
  - (iv) the appropriate approval authority, and
  - (v) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 18 (9).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Extension of time**

(26.3) When the council gives a notice under clause (26.2) (a), the 15-day period mentioned in clauses (29) (b) and (c) and subsections (29.1) and (29.2) is extended to 75 days. 2015, c. 26, s. 18 (9).

### **Participation voluntary**

(26.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (26.2) (b) is voluntary. 2015, c. 26, s. 18 (9).

### **Decision final**

(27) If one or more persons or public bodies have a right of appeal under subsection (24) in respect of all or part of the decision of council, but no notice of appeal is filed under that subsection and the time for filing appeals has expired,

- (a) the decision of council or the part of the decision that is not the subject of an appeal is final; and
- (b) the plan or part of the plan that was adopted and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (4).

### **Same**

(27.1) If no person or public body has any right of appeal under subsection (24) in respect of any part of the decision of council,

- (a) the decision of council is final; and
- (b) the plan that was adopted comes into effect as an official plan on the day after the day it was adopted. 2017, c. 23, Sched. 3, s. 6 (5).

### **Declaration**

(28) A sworn declaration of an employee of the municipality or of the approval authority that notice was given as required by subsection (23) or (35) or that no notice of appeal was filed under subsection (24) or (36) within the time allowed for appeal is conclusive evidence of the facts stated in it. 1996, c. 4, s. 9.

### **Forwarding of record, etc.**

(29) If a notice of appeal under subsection (24) is filed, the clerk of the municipality shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;
- (b) the record, the notice of appeal and the fee charged under the *Local Planning Appeal Tribunal Act, 2017* are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal;
- (c) the notice of appeal and the record are forwarded to the appropriate approval authority within 15 days after the last day for filing a notice of appeal, whether or not the plan is exempt from the requirement for an approval, unless the approval authority has notified the municipality that it does not wish to receive copies of the notices of appeal and the records; and
- (d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1996, c. 4, s. 9; 1999, c. 12, Sched. M, s. 22 (2); 2017, c. 23, Sched. 5, s. 87 (1).

### **Exception**

(29.1) Despite clause (29) (b), if all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (29) (b) and (d) to the Tribunal and under clause (29) (c) to the appropriate approval authority. 1999, c. 12, Sched. M, s. 22 (3); 2017, c. 23, Sched. 5, s. 87 (2).

### **Where appeals withdrawn**

(29.2) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (30) (a) and (b) apply. 1999, c. 12, Sched. M, s. 22 (3).

### **Withdrawal of appeals**

(30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn and the time for filing appeals has expired, the Tribunal shall notify the clerk of the municipality that made the decision and,

- (a) the decision or the part of the decision that was the subject of an appeal is final; and

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (b) the plan or part of the plan that was adopted and in respect of which all appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 82.

#### **Same**

(30.1) Subsection (30) also applies, with necessary modifications, when there is no longer any appeal with respect to a particular part of the decision of council as the result of a partial withdrawal of one or more appeals. 2006, c. 23, s. 9 (5).

#### **Record**

(31) If the plan is not exempt from approval, the council shall cause to be compiled and forwarded to the approval authority, not later than 15 days after the day the plan was adopted, a record which shall include the prescribed information and material and any fee under section 69 or 69.1. 1996, c. 4, s. 9.

#### **Other information**

(32) An approval authority may require that a council provide such other information or material that the approval authority considers it may need. 1996, c. 4, s. 9.

#### **Refusal to consider**

(33) Until the approval authority has received the information, material and fee referred to in subsection (31),

- (a) the approval authority may refuse to accept or further consider the plan; and
- (b) the time period referred to in subsection (40) does not begin. 1996, c. 4, s. 9.

#### **Action by approval authority**

(34) The approval authority may confer with any person or public body that it considers may have an interest in the plan and may,

- (a) approve, modify and approve as modified or refuse to approve a plan; or
- (b) approve, modify and approve as modified or refuse to approve part or parts of the plan. 1996, c. 4, s. 9.

#### **Exception, non-conforming lower-tier plan**

(34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's plan if the plan or any part of it does not, in the approval authority's opinion, conform with,

- (a) the upper-tier municipality's official plan;
- (b) a new official plan of the upper-tier municipality that was adopted before the ~~1202~~19th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
- (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the ~~1202~~19th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6).

#### **No restriction**

(34.2) Nothing in subsection (34.1) derogates from an approval authority's ability to modify a lower-tier municipality's plan and approve it as modified if the modifications remove any non-conformity described in that subsection. 2015, c. 26, s. 18 (10).

#### **Notice**

(35) If the approval authority makes a decision under subsection (34), it shall ensure that written notice of its decision is given in the prescribed manner to,

- (a) the council or planning board that adopted the plan;
- (b) each person or public body that made a written request to be notified of the decision;
- (c) each municipality or planning board to which the plan would apply if approved; and
- (d) any other person or public body that is prescribed. 2015, c. 26, s. 18 (11).

#### **Contents**

(35.1) The notice under subsection (35) shall contain,

- (a) a brief explanation of the effect, if any, that the written submissions mentioned in subsection (35.2) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 18 (11).

#### **Written submissions**

(35.2) Clause (35.1) (a) applies to any written submissions relating to the plan that were made to the approval authority before its decision. 2015, c. 26, s. 18 (11).

#### **Exception**

(35.3) If the notice under subsection (35) is given by the Minister and he or she is also giving notice of the matter in accordance with section 36 of the *Environmental Bill of Rights, 1993*, the brief explanation referred to in clause (35.1) (a) is not required. 2015, c. 26, s. 18 (11).

#### **Appeal to L.P.A.T.**

(36) Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (6); 2017, c. 23, Sched. 5, s. 80.

#### **Basis for appeal**

~~(36.0.1) An appeal under subsection (36) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (7).~~

#### **No appeal re second unit policies**

(36.1) Despite subsection (36), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies. 2011, c. 6, Sched. 2, s. 3 (2).

#### **Exception re Minister**

(36.1.1) Subsection (36.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (3).

#### **No appeal re inclusionary zoning policies**

(36.1.2) Despite subsection (36), there is no appeal in respect of policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies. 2016, c. 25, Sched. 4, s. 2 (4).

#### **Exception re Minister**

(36.1.3) Subsection (36.1.2) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (4).

#### **No appeal re protected major transit station policies**

(36.1.4) Despite subsection (36), there is no appeal in respect of the following:

1. Policies that identify a protected major transit station area in accordance with subsection 16 (15) or (16), including any changes to those policies.
2. Policies described in clauses 16 (15) (a), (b) or (c) or 16 (16) (a) or (b) with respect to a protected major transit station area that is identified in accordance with subsection 16 (15) or (16).
3. Policies in a lower-tier municipality's official plan that are described in subclause 16 (16) (b) (i) or (ii).
4. Policies that identify the maximum densities that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15).
5. Policies that identify the maximum densities that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (16).



6. Policies that identify the minimum or maximum heights that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15).
7. Policies that identify the minimum or maximum heights that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (16). 2017, c. 23, Sched. 3, s. 6 (8).

#### **Limitation**

(36.1.5) Paragraphs 3, 5 and 7 of subsection (36.1.4) apply only if,

- (a) the plan that includes the policies referred to in those paragraphs also includes all of the policies described in subclauses 16 (16) (b) (i) and (ii) for the relevant protected major transit station area; or
- (b) the lower-tier municipality's official plan in effect at the relevant time contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) for the relevant protected major transit station area. 2017, c. 23, Sched. 3, s. 6 (8).

#### **Exception**

(36.1.6) Despite paragraphs 6 and 7 of subsection (36.1.4), there is an appeal in circumstances where the maximum height that is authorized with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is authorized in respect of that parcel. 2017, c. 23, Sched. 3, s. 6 (8).

#### **Exception re Minister**

(36.1.7) Subsection (36.1.4) does not apply to an appeal by the Minister. 2017, c. 23, Sched. 3, s. 6 (8).

#### **No appeal re certain matters**

(36.1.8) Despite subsection (36), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

(a) before a development permit system may be adopted or established; or

(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.

#### **Limitation**

(36.1.9) Subsection (36.1.8) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.

#### **Exception re Minister**

(36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister.

#### **No global appeal**

(36.2) Despite subsection (36), in the case of a new official plan that is approved by an approval authority other than the Minister, there is no appeal in respect of all of the decision of the approval authority to approve all of the plan, with or without modifications. 2015, c. 26, s. 18 (12); 2017, c. 23, Sched. 3, s. 6 (9).

#### **Same**

(36.3) For greater certainty, subsection (36.2) does not prevent an appeal relating to a part of the decision or a part of the plan, as authorized by subsection (36). 2015, c. 26, s. 18 (12).

#### **No appeal re certain matters**

(36.4) Despite subsection (36), there is no appeal in respect of a part of an official plan that is described in subsection (24.5). 2015, c. 26, s. 18 (12).

#### **No appeal re decision by Minister**

(36.5) Despite subsection (36), there is no appeal in respect of a decision of the approval authority under subsection (34), if the approval authority is the Minister. 2017, c. 23, Sched. 3, s. 6 (10).



## Contents of notice

(37) The notice of appeal under subsection (36) must,

(a) set out the specific part or parts of the plan to which the notice of appeal applies;

(b) set out the reasons for the appeal; and

~~— (b) explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan; and~~

(c) be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (13); 2017, c. 23, Sched. 3, s. 6 (11); 2017, c. 23, Sched. 5, s. 81.

(37.1) REPEALED: 2017, c. 23, Sched. 3, s. 6 (12).

### Same

(37.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.

## Use of dispute resolution techniques

(37.2) When a notice of appeal is filed under subsection (36), the approval authority may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 18 (14).

## Notice and invitation

(37.3) If the approval authority decides to act under subsection (37.2),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants;

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the approval authority considers appropriate,

(ii) in the case of a request to amend the plan, the person or public body that made the request,

(iii) the Minister,

(iv) the municipality that adopted the plan, and

(v) any other persons or public bodies that the approval authority considers appropriate. 2015, c. 26, s. 18 (14).

## Extension of time

(37.4) When the approval authority gives a notice under clause (37.3) (a), the 15-day period mentioned in clause (42) (b) and subsections (42.1) and (42.2) is extended to 75 days. 2015, c. 26, s. 18 (14).

## Participation voluntary

(37.5) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (37.3) (b) is voluntary. 2015, c. 26, s. 18 (14).

## Decision final

(38) If one or more persons or public bodies have a right of appeal under subsection (36) in respect of all or part of the decision of the approval authority, but no notice of appeal is filed under that subsection and the time for filing appeals has expired,

(a) the decision of the approval authority or the part of the decision that is not the subject of an appeal is final; and

(b) the plan or part of the plan that was approved and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (13).

### Same

(38.1) If no person or public body has any right of appeal under subsection (36) in respect of any part of the decision of the approval authority,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (a) the decision of the approval authority is final; and
- (b) the plan or part of the plan that was approved comes into effect as an official plan or part of an official plan on the day after the day it was approved. 2017, c. 23, Sched. 3, s. 6 (14).

### **Withdrawal of appeals**

(39) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn and if the time for filing notice of appeal has expired, the Tribunal shall notify the approval authority that made the decision and,

- (a) the decision or that part of the decision that was the subject of the appeal is final; and
- (b) the plan or part of the plan that was approved and in respect of which all the appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 82.

### **Appeal to L.P.A.T.**

(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority:

- 1. The municipality that adopted the plan.
- 2. The Minister, if the Minister is not the approval authority.
- 3. In the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment.

### **Appeal to L.P.A.T.**

(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 210 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1). 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (15).

### **Extension of time for appeal**

(40.1) The 210 day period referred to in subsection (40) may be extended in accordance with the following rules:

- 1. In the case of an amendment requested under section 22, the person or public body that made the request may extend the period for up to 90 days by written notice to the approval authority.
- 2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.
- 3. The approval authority may extend the period for up to 90 days by written notice to the person or public body or to the municipality, as the case may be.
- 4. The notice must be given before the expiry of the 210 day period.
- 5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.
- 6. The person, public body, municipality or approval authority that gave or received a notice extending the period may terminate the extension at any time by another written notice.
- 7. No notice of an extension or of the termination of an extension need be given to any other person or entity. 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (16).

### **Exception, non-conforming lower-tier plan**

(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 210 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with,

- (a) the upper-tier municipality's official plan;
- (b) a new official plan of the upper-tier municipality that was adopted before the ~~120~~<sup>210</sup>th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
- (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the ~~120~~<sup>210</sup>th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **No review**

(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Tribunal. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 5, s. 80.

### **Time for appeal**

(40.4) If the approval authority states an opinion as described in subsection (40.2), the ~~120~~10-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18).

### **Notice of appeal**

(41) A notice of appeal filed under subsection (40) must,

- (a) set out the specific part of the plan to which the appeal applies, if the notice does not apply to all of the plan; and
- (b) be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 81.

### **Notice limiting appeal period**

~~(41.1) At any time after receiving a notice of appeal under subsection (40), an approval authority may give the persons and public bodies listed in clauses (35) (a) to (d) a written notice, relating to the relevant plan and including the prescribed information; after the day that is 20 days after the day the giving of the notice is completed, no person or public body is entitled to appeal under subsection (40) with respect to the relevant plan. 2015, c. 26, s. 18 (17).~~

### **Documents to L.P.A.T.**

(42) If an approval authority receives a notice of appeal under subsection (36) or (40), it shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;
- (b) the record, notice of appeal and the fee charged under the *Local Planning Appeal Tribunal Act, 2017* are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, as the case may be; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 5, s. 87 (3).

### **Exception**

(42.1) Despite clause (42) (b), if all appeals in respect of all or part of the plan are withdrawn within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, the approval authority is not required to forward the materials described under clauses (42) (b) and (c) to the Tribunal. 1999, c. 12, Sched. M, s. 22 (3); 2017, c. 23, Sched. 5, s. 87 (4).

### **Appeals withdrawn, decision**

(42.2) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (39) (a) and (b) apply. 1999, c. 12, Sched. M, s. 22 (3).

### **Appeals withdrawn, plan**

(42.3) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn within 15 days after the first notice of appeal under subsection (40) was filed, the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 1999, c. 12, Sched. M, s. 22 (3); 2015, c. 26, s. 18 (18).

### **Appeals withdrawn**

(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Tribunal shall notify the approval authority and the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 80.

### **Hearing**

(44) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 87 (5).

### **Restriction re adding parties**

(44.1) Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (44.2).
2. The Minister.
3. The appropriate approval authority. 2006, c. 23, s. 9 (7).

### **Same**

(44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:

1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council.
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 9 (7); 2017, c. 23, Sched. 5, s. 80.

(44.3)-(44.6) REPEALED: 2017, c. 23, Sched. 3, s. 6 (19).

### **New evidence at hearing**

(44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal.

### **Same**

(44.4) When subsection (44.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed.

### **Notice to council**

(44.5) The Tribunal shall notify the council that it is being given an opportunity to,

- (a) reconsider its decision in light of the information and material; and
- (b) make a written recommendation to the Tribunal.

### **Council's recommendation**

(44.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (44.4), and may, but is not required to, do so if it is received afterwards.

### **Conflict with SPPA**

(44.7) Subsections (44.1) to (44.6) apply despite the *Statutory Powers Procedure Act*.

### **Conflict with SPPA**

~~(44.7) Subsections (44.1) and (44.2) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 9 (7); 2017, c. 23, Sched. 3, s. 6 (20).~~

### **Dismissal without hearing**

(45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,

- i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal,
- ii. the appeal is not made in good faith or is frivolous or vexatious,
- iii. the appeal is made only for the purpose of delay, or
- iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36).
3. The appellant intends to argue a matter mentioned in subsection (25.1) or (37.1) but has not provided the explanations required by that subsection.
4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

#### **Dismissal without hearing**

~~(45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:~~

- ~~— 1. The Tribunal is of the opinion that,
  - ~~i. the explanation required by clause (25) (b) or (37) (b), as the case may be, does not disclose that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan, or in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan,~~
  - ~~ii. the appeal is not made in good faith or is frivolous or vexatious,~~
  - ~~iii. the appeal is made only for the purpose of delay, or~~
  - ~~iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.~~~~
- ~~— 2. The appellant has not provided the explanations required by clause (25) (b) or (37) (b), as applicable.~~
- ~~— 3. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.~~
- ~~— 4. The appellant has not responded to a request by the Tribunal for further information within the time specified by the *Tribunal, 2017, c. 23, Sched. 3, s. 6 (21)*.~~

#### **Same**

(45.1) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of the municipality, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 5, s. 87 (5).

#### **Representation**

(46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph ~~5.3 or 4~~ of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22).

#### **Dismissal**

(46.1) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (45) or (45.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 87 (5).

#### **Dismissal**

(47) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision without holding a hearing and if the time for filing notices of appeal has expired, the Tribunal shall notify the clerk of the municipality or the approval authority and,

- (a) the decision or that part of the decision that was the subject of the appeal is final; and
- (b) any plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 2017, c. 23, Sched. 5, s. 87 (5).

## Same

(48) If the Tribunal dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the Tribunal shall notify the approval authority and the approval authority may then proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 2017, c. 23, Sched. 5, s. 87 (5).

## Transfer

(49) If a notice of appeal under subsection ~~24, 36 or~~ (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23).

## ~~Powers of L.P.A.T. — appeals under subss. (24) and (36)~~

~~(49.1) Subject to subsections (49.3) to (49.9), after holding a hearing on an appeal under subsection (24) or (36), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 6 (24).~~

## Same

~~(49.2) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision after holding a hearing, the Tribunal shall notify the clerk of the municipality or the approval authority and,~~

- ~~— (a) the decision or that part of the decision that was the subject of the appeal is final; and~~
- ~~— (b) the plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 2017, c. 23, Sched. 3, s. 6 (24).~~

## ~~Refusal and notice to make new decision~~

~~(49.3) Unless subsection (49.4), (49.7) or (49.8) applies, if the Tribunal determines that a part of a decision to which a notice of appeal under subsection (24) or (36) relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan,~~

- ~~— (a) the Tribunal shall refuse to approve that part of the plan; and~~
- ~~— (b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24).~~

## ~~Revised plan with consent of parties~~

~~(49.4) Unless subsection (49.8) applies, if a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24).~~

## ~~Same, notice to make new decision~~

~~(49.5) If subsection (49.4) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan,~~

- ~~— (a) the Tribunal shall refuse to approve that part of the plan; and~~
- ~~— (b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24).~~

## ~~Rules that apply if notice is received~~

~~(49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply:~~

- ~~— 1. The council of the municipality may prepare and adopt another plan, subject to the following:~~
  - ~~— i. Subsections (16) and (17.1) do not apply.~~
  - ~~— ii. If the plan is not exempt from approval,~~
    - ~~— A. the reference to “within 210 days” in subsection (40) shall be read as “within 90 days”;~~
    - ~~— B. subsection (40.1) does not apply;~~



~~\_\_\_\_\_ C. references to “210 days” and “210th day” in subsection (40.2) shall be read as “90 days” and “90th day”, respectively, and~~

~~\_\_\_\_\_ D. the reference to “210 day period” in subsection (40.4) shall be read as “90 day period”.~~

~~—2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22 (1) or (2), the references to “within 210 days after the day the request is received” in paragraphs 1 and 2 of subsection 22 (7.0.2) shall be read as “within 90 days after the day notice under clause (49.3) (b) or (49.5) (b) was received”. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Second appeal**

~~(49.7) Unless subsection (49.8) applies, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), the Tribunal may make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan, if the Tribunal determines that the decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality’s official plan. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Same, revised plan with consent of parties**

~~(49.8) If, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality’s official plan. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Same**

~~(49.9) If subsection (49.8) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower tier municipality, fails to conform with the upper tier municipality’s official plan, the Tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Coming into effect of plan**

~~(49.10) If the Tribunal approves all or part of a revised plan as an official plan or part of an official plan under subsection (49.4) or (49.8), the plan or part of the plan that is approved comes into effect as an official plan or part of an official plan on the day after the day the plan or part of the plan was approved. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Specified parties**

~~(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are:~~

- ~~—1. The municipality that adopted the plan.~~
- ~~—2. The appropriate approval authority, if the approval authority is a party.~~
- ~~—3. The Minister, if the Minister is a party.~~
- ~~—4. If applicable, the person or public body that requested an amendment to the official plan.~~
- ~~—5. All appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Effect on original plan**

~~(49.12) If subsection (49.4) or (49.8) applies, the version of the plan that was the subject of the notice of appeal shall be deemed to have been refused. 2017, c. 23, Sched. 3, s. 6 (24).~~

### **Powers of L.P.A.T.**

~~(50) On an appeal under subsection (40) or a transfer under this section, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25).~~

### **Same**

~~(50.1) For greater certainty, subsections (49.7), (49.9) and (50) does not give the Tribunal power to approve or modify any part of the plan that,~~

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



(a) is in effect; and

(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26).

### **Matters of provincial interest**

(51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal after the day the Tribunal gives notice under subsection (44) and the Minister shall identify,

(a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26).

### **No hearing or notice required**

(52) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (51). 2004, c. 18, s. 3 (2).

### **Confirmation by L.G. in C.**

(53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.

### **Applicable rules if notice under subs. (51) received**

(53) If the Tribunal has received a notice from the Minister under subsection (51), the following rules apply:

- 1. Subsections (49.1) to (50) do not apply to the appeal.
- 2. The Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan.
- 3. The decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the provisions. 2017, c. 23, Sched. 3, s. 6 (27).

### **Action of L.G. in C.**

(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the Tribunal in respect of the provisions of the plan identified in the notice and in doing so may direct the Minister to modify the provisions of the plan. 2004, c. 18, s. 3 (2); 2017, c. 23, Sched. 5, s. 87 (6).

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 9 - 22/05/1996; 1999, c. 12, Sched. M, s. 22 (2, 3) - 22/12/1999

2000, c. 26, Sched. K, s. 5 (1) - 06/12/2000

2002, c. 17, Sched. B, s. 5 (1-7) - 01/01/2003

2004, c. 18, s. 3 (1, 2) - 30/11/2004

2006, c. 23, s. 9 (1-13) - 01/01/2007

2011, c. 6, Sched. 2, s. 3 (1, 2) - 01/01/2012

2015, c. 26, s. 18 (1, 3-19) - 01/07/2016; 2015, c. 26, s. 18 (2) - 30/10/2016

2016, c. 25, Sched. 4, s. 2 (1, 3) - 08/12/2016; 2016, c. 25, Sched. 4, s. 2 (2, 4) - 12/04/2018

2017, c. 23, Sched. 3, s. 6 (1-27) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80-82, 87 (1-6) - 03/04/2018

### **Delegation of approval authority**

**17.1** (1) If an upper-tier municipality is the approval authority under section 17 in respect of the approval of official plans of lower-tier municipalities, the council may by by-law delegate all or any of the authority to approve amendments to official plans to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 2002, c. 17, Sched. B, s. 6.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Conditions**

(2) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council by-law provides. 1994, c. 23, s. 10.

### **Withdrawal of delegation**

(3) A council may by by-law withdraw a delegation of authority made by it under subsection (1) and the withdrawal may be in respect of one or more requests for approval specified in the by-law or any or all requests for approval in respect of which a final disposition was not made by the committee or officer before the withdrawal. 1994, c. 23, s. 10.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 10 - 28/03/1995

2002, c. 17, Sched. B, s. 6 - 01/01/2003

### **Recommendation of plan**

**18** (1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board. R.S.O. 1990, c. P.13, s. 18 (1).

### **Submission of plan to council**

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council. R.S.O. 1990, c. P.13, s. 18 (2).

### **Adoption of plan**

(3) Each council to which the plan is submitted may, subject to subsections 17 (15) to (22), by by-law adopt the plan and the clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (23), (32) and (33). R.S.O. 1990, c. P.13, s. 18 (3); 1994, c. 23, s. 11 (1); 1996, c. 4, s. 11 (1); 2015, c. 26, s. 19.

### **Submission of plan**

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted, he or she shall, unless it is exempt from an approval, submit the plan for approval together with each certified copy of the adopting by-law and subsections 17 (31) to (50.1) apply with necessary modifications in respect of the plan as if the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. 1996, c. 4, s. 11 (2); 2006, c. 23, s. 10 (1).

### **Application of subss. 17 (15-50)**

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization subsections 17 (15) to (50.1) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. R.S.O. 1990, c. P.13, s. 18 (5); 1994, c. 23, s. 11 (3); 1996, c. 4, s. 11 (3); 2006, c. 23, s. 10 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 11 (1, 3) - 28/03/1995; 1996, c. 4, s. 11 (1-3) - 22/05/1996

2006, c. 23, s. 10 (1, 2) - 01/01/2007

2015, c. 26, s. 19 - 01/07/2016

### **Unorganized territory**

**19** In a planning area consisting solely of territory without municipal organization, section 17 applies with necessary modifications to a plan being prepared and adopted by a planning board and that is to come into effect as the official plan of the planning board as if the planning board were a council of a municipality and the secretary-treasurer were the clerk. 1996, c. 4, s. 12.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 12 - 22/05/1996

### **Deemed council**

**19.1** Sections 34 to 39 and 45 apply in respect of land within the planning area consisting of territory without municipal organization and the planning board shall be deemed to be a council of a local municipality and the secretary-treasurer of the planning board shall be deemed to be the clerk of the municipality for those purposes. 1994, c. 23, s. 12.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 12 - 28/03/1995

### **Lodging of plan**

**20** (1) A certified copy of the official plan shall be lodged in the office of the clerk of each municipality to which the plan or any part of the plan applies.

### **Who to lodge plan**

(2) The lodging required by subsection (1) shall be carried out,

- (a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and
- (b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

### **Public inspection**

(3) All copies lodged under subsection (1) shall be available for public inspection during office hours. R.S.O. 1990, c. P.13, s. 20.

### **Amendment or repeal of plan**

**21** (1) Except as hereinafter provided and except where the context requires otherwise, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, and the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and section 17 applies to any such amendment or repeal. R.S.O. 1990, c. P.13, s. 21 (1); 2015, c. 26, s. 20 (1).

### **Exception**

(2) Subsections 17 (34.1) and (40.2) apply to an amendment to a lower-tier municipality's official plan only if it is a revision that is adopted in accordance with section 26. 2015, c. 26, s. 20 (2).

### **Exception**

(3) Subsection 17 (36.5) applies to an amendment only if it is a revision that is adopted in accordance with section 26. 2017, c. 23, Sched. 3, s. 7.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 13 - 28/03/1995

2015, c. 26, s. 20 (1, 2) - 01/07/2016

2017, c. 23, Sched. 3, s. 7 - 03/04/2018

### **Request for amendment**

**22** (1) If a person or public body requests a council to amend its official plan, the council shall,

- (a) forward a copy of the request and the information and material required under subsections (4) and (5), if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval; and
- (b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan. 1996, c. 4, s. 13; 2004, c. 18, s. 4 (1); 2006, c. 23, s. 11 (1).

### **Request to planning board**

(2) If a person or public body requests a planning board to amend its official plan and the plan applies in whole or in part to territory without municipal organization, the planning board or council of the municipality having jurisdiction over the land to which the proposed amendment applies shall,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (a) forward a copy of the request and the information and material required under subsections (4) and (5), if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval; and
- (b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan. 1996, c. 4, s. 13; 2004, c. 18, s. 4 (2); 2006, c. 23, s. 11 (2).

#### **Two-year period, no request for amendment**

(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. 2015, c. 26, s. 21 (1).

#### **Same, secondary plans**

(2.1.1) No person or public body shall request an amendment to a secondary plan before the second anniversary of the first day any part of the secondary plan comes into effect. 2017, c. 23, Sched. 3, s. 8 (1).

#### **Interpretation, secondary plan**

(2.1.2) For the purpose of subsection (2.1.1), a secondary plan is a part of an official plan, added by way of an amendment, that contains policies and land use designations that apply to multiple contiguous parcels of land, but not an entire municipality, and that provides more detailed land use policy direction in respect of those parcels than was provided before the amendment. 2017, c. 23, Sched. 3, s. 8 (1).

#### **No request for amendment re protected major transit station area policies**

(2.1.3) If a protected major transit station area is identified in an official plan in accordance with subsection 16 (15) or (16), no person or public body shall request an amendment in respect of any of the policies described in those subsections in respect of that area, including, for greater certainty, policies described in subclauses 16 (16) (b) (i) and (ii) that are contained in the official plan of a lower-tier municipality. 2017, c. 23, Sched. 3, s. 8 (1).

#### **Exception**

(2.2) If the council has declared by resolution that a request described in subsection (2.1), (2.1.1) or (2.1.3) is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally, the relevant subsection does not apply. 2017, c. 23, Sched. 3, s. 8 (2).

#### **No open house or public meeting**

(3) Despite subsections (1) and (2), the requirement to hold a public meeting under subsection 17 (15) does not apply if the council or the planning board refuses to adopt an amendment to its official plan requested by a person or public body. 2006, c. 23, s. 11 (3).

#### **Consultation**

(3.1) The council or planning board,

- (a) shall permit applicants to consult with the municipality or planning board, as the case may be, before submitting requests under subsection (1) or (2); and
- (b) may, by by-law, require applicants to consult with the municipality or planning board as described in clause (a). 2006, c. 23, s. 11 (3).

#### **Prescribed information**

(4) A person or public body that requests an amendment to the official plan of a municipality or planning board shall provide the prescribed information and material to the council or planning board. 1996, c. 4, s. 13.

#### **Other information**

(5) A council or a planning board may require that a person or public body that requests an amendment to its official plan provide any other information or material that the council or planning board considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 11 (4).

#### **Refusal and timing**

(6) Until the council or planning board has received the information and material required under subsections (4) and (5), if any, and any fee under section 69,

- (a) the council or planning board may refuse to accept or further consider the request for an amendment to its official plan; and
- (b) the time periods referred to in paragraphs 1 and 2 of subsection (7.0.2) do not begin. 2006, c. 23, s. 11 (4).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Response re completeness of request**

(6.1) Within 30 days after the person or public body that requests the amendment pays any fee under section 69, the council or planning board shall notify the person or public body that the information and material required under subsections (4) and (5), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 11 (4).

### **Motion re dispute**

(6.2) Within 30 days after a negative notice is given under subsection (6.1), the person or public body or the council or planning board may make a motion for directions to have the Tribunal determine,

- (a) whether the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (5) is reasonable. 2006, c. 23, s. 11 (4); 2017, c. 23, Sched. 5, s. 88 (1).

### **Same**

(6.3) If the council or planning board does not give any notice under subsection (6.1), the person or public body may make a motion under subsection (6.2) at any time after the 30-day period described in subsection (6.1) has elapsed. 2006, c. 23, s. 11 (4).

### **Notice of particulars and public access**

(6.4) Within 15 days after the council or planning board gives an affirmative notice under subsection (6.1), or within 15 days after the Tribunal advises the clerk of the municipality or the secretary-treasurer of the planning board of its affirmative decision under subsection (6.2), as the case may be, the council or planning board shall,

- (a) give the prescribed persons and public bodies, in the prescribed manner, notice of the request for amendment, accompanied by the prescribed information; and
- (b) make the information and material provided under subsections (4) and (5) available to the public. 2006, c. 23, s. 11 (4); 2015, c. 26, s. 21 (3); 2017, c. 23, Sched. 5, s. 80.

### **Final determination**

(6.5) The Tribunal's determination under subsection (6.2) is not subject to appeal or review. 2006, c. 23, s. 11 (4); 2017, c. 23, Sched. 5, s. 80.

### **Notice of refusal**

(6.6) A council or planning board that refuses a request to amend its official plan shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,

- (a) to the person or public body that made the request;
- (b) to each person or public body that filed a written request to be notified of a refusal;
- (c) to the appropriate approval authority; and
- (d) to any prescribed person or public body. 2015, c. 26, s. 21 (4).

### **Contents**

(6.7) The notice under subsection (6.6) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (6.8) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 21 (4).

### **Written and oral submissions**

(6.8) Clause (6.7) (a) applies to,

- (a) any written submissions relating to the request that were made to the council or planning board before its decision; and
- (b) any oral submissions relating to the request that were made at a public meeting. 2015, c. 26, s. 21 (4).

### **Appeal to L.P.A.T.**

(7) When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the Tribunal in respect of all or any part of the requested amendment, by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board, if one of the conditions set out in subsection (7.0.2) is met:

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

1. The person or public body that requested the amendment.
2. The Minister.
3. The appropriate approval authority. 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 5, s. 80.

#### **Basis for appeal**

~~(7.0.0.1) An appeal under subsection (7) may only be made on the basis that,~~

- ~~—(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower tier municipality, fail to conform with the upper tier municipality's official plan; and~~
- ~~—(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower tier municipality, conforms with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (3).~~

#### **Exception**

~~(7.0.0.2) Subsection (7.0.0.1) and clauses (8) (a.1) and (a.2) do not apply to an appeal under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (3).~~

#### **Consolidated Hearings Act**

(7.0.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an amendment requested under subsection (1) or (2) unless,

- (a) one of the conditions set out in subsection (7.0.2) is met;
- (b) if the plan is exempt from approval, the requested amendment has been adopted under subsection 17 (22);
- (c) the approval authority makes a decision under subsection 17 (34); or
- (d) the time period referred to in subsection 17 (40) has expired. 2006, c. 23, s. 11 (5).

#### **Conditions**

(7.0.2) The conditions referred to in subsections (7) and (7.0.1) are:

1. The council or the planning board fails to adopt the requested amendment within ~~120~~210 days after the day the request is received.
2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within ~~120~~210 days after the day the request is received.
3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment.
4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4).

#### **Same**

~~(7.0.2.1) For greater certainty, a condition set out in subsection (7.0.2) is not met if the council or the planning board adopts an amendment in response to a request under subsection (1) or (2), even if the amendment that is adopted differs from the requested amendment. 2017, c. 23, Sched. 3, s. 8 (5).~~

#### **Time for appeal**

(7.0.3) A notice of appeal under paragraph 3 or 4 of subsection (7.0.2) shall be filed no later than 20 days after the day that the giving of notice under subsection (6.6) is completed. 2006, c. 23, s. 11 (5).

#### **When giving of notice deemed completed**

(7.0.4) For the purposes of subsection (7.0.3), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed;
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed; and



(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 2015, c. 26, s. 21 (5).

### Appeals restricted re certain amendments

(7.1) Despite subsection (7) and subsections 17 (36) and (40), there is no appeal in respect of,

- (a) a refusal or failure to adopt an amendment described in subsection (7.2); or
- (b) a refusal or failure to approve an amendment described in subsection (7.2). 2006, c. 23, s. 11 (6).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 22 of the Act is amended by adding the following subsection: (See: 2018, c. 16, s. 8 (4))**

### Exception re Minister

(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect of an amendment described in clause (7.2) (d). 2018, c. 16, s. 8 (4).

### Application of subs. (7.1)

(7.2) Subsection (7.1) applies in respect of amendments requested under subsection (1) or (2) that propose to,

- (a) alter all or any part of the boundary of an area of settlement in a municipality;
- (b) establish a new area of settlement in a municipality; or
- (c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies. 2006, c. 23, s. 11 (6); 2011, c. 6, Sched. 2, s. 4.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 22 (7.2) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause: (See: 2018, c. 16, s. 8 (5))**

- (d) authorize a renewable energy undertaking.

### Same

(7.3) If the official plan contains policies dealing with the removal of land from areas of employment, subsection (7.1) also applies in respect of amendments requested under subsection (1) or (2) that propose to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 11 (6).

### Exception

(7.4) Despite subsection (7.1), a person or public body may appeal to the Tribunal in respect of all or any part of a requested amendment described in clause (7.2) (a) or (b) if the requested amendment,

- (a) is in respect of the official plan of a lower-tier municipality; and
- (b) conforms with the official plan of the upper-tier municipality. 2006, c. 23, s. 11 (6); 2017, c. 23, Sched. 5, s. 80.

### Contents

(8) A notice of appeal under subsection (7) shall,

- (a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; and

~~(a.1) explain how the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower tier municipality, fail to conform with the upper tier municipality's official plan;~~

~~(a.2) explain how the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower tier municipality, conforms with the upper tier municipality's official plan; and~~

- (b) be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81.

### Use of dispute resolution techniques

(8.1) If an appeal under subsection (7) is brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the council or planning board may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 21 (6).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



### **Notice and invitation**

- (8.2) If the council or planning board decides to act under subsection (8.1),
- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
  - (b) it shall give an invitation to participate in the dispute resolution process to,
    - (i) as many of the appellants as the council or planning board considers appropriate,
    - (ii) the person or public body that made the request to amend the plan,
    - (iii) the Minister,
    - (iv) the appropriate approval authority, and
    - (v) any other persons or public bodies that the council or planning board considers appropriate. 2015, c. 26, s. 21 (6).

### **Extension of time**

(8.3) When the council or planning board gives a notice under clause (8.2) (a), the 15-day period mentioned in subclauses (9) (b) (ii) and (9) (c) (ii), in clauses (9.1) (b) and (9.1.1) (c) and in subsection (9.3) is extended to 75 days. 2015, c. 26, s. 21 (6).

### **Participation voluntary**

(8.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (8.2) (b) is voluntary. 2015, c. 26, s. 21 (6).

### **Record**

(9) The clerk of a municipality or the secretary-treasurer of a planning board who receives a notice of appeal under subsection (7) shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;
- (b) the notice of appeal, the record and the fee are forwarded to the Tribunal,
  - (i) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), within 15 days after the notice is filed,
  - (ii) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), within 15 days after the last day for filing a notice of appeal;
- (c) the notice of appeal and the record are forwarded to the appropriate approval authority, whether or not the plan is exempt from approval,
  - (i) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), within 15 days after the notice is filed,
  - (ii) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), within 15 days after the last day for filing a notice of appeal; and
- (d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 5, s. 88 (2).

### **Exception**

- (9.1) Clauses (9) (b) and (d) do not apply,
- (a) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), if the appeal is withdrawn within 15 days after the notice is filed;
  - (b) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), if all appeals under subsection (7) are withdrawn within 15 days after the last day for filing a notice of appeal. 2015, c. 26, s. 21 (8).

### **Same**

- (9.1.1) Clause (9) (c) does not apply,
- (a) if the approval authority has notified the municipality or the planning board that it does not wish to receive copies of the notices of appeal and the records;
  - (b) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), if the appeal is withdrawn within 15 days after the notice is filed;

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

(c) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), if all appeals under subsection (7) are withdrawn within 15 days after the last day for filing a notice of appeal. 2015, c. 26, s. 21 (8).

### **Appeals withdrawn, amendment**

(9.2) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) in respect of all or any part of the requested amendment are withdrawn within 15 days after the date that the most recent notice of appeal was filed, the council or planning board may, unless there are any outstanding appeals, proceed to give notice of the public meeting to be held under subsection 17 (15) or adopt or refuse to adopt the requested amendment, as the case may be. 2006, c. 23, s. 11 (7).

### **Decision final**

(9.3) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) in respect of all or any part of the requested amendment are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council or planning board is final on the day that the last outstanding appeal has been withdrawn. 2006, c. 23, s. 11 (7).

### **Other information**

(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Tribunal the prescribed information or material and such other information as the Tribunal may require. 2017, c. 23, Sched. 5, s. 88 (2).

### **Application**

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2).

### **Hearing**

(11) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 3, s. 8 (7).

### **Restriction re adding parties**

(11.0.1) Despite subsection (11), in the case of an appeal under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2), only the following may be added as parties:

- 1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2).
- 2. The Minister.
- 3. The appropriate approval authority. 2017, c. 23, Sched. 3, s. 8 (7).

### **Same**

(11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are:

- 1. Before the requested amendment was refused, the person or public body made oral submissions at a public meeting or written submissions to the council or planning board.
- 2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2017, c. 23, Sched. 3, s. 8 (7).

### **Conflict with SPPA**

(11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the *Statutory Powers Procedure Act*. 2017, c. 23, Sched. 3, s. 8 (7).

### **Dismissal without hearing**

(11.0.4) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:

- 1. The Tribunal is of the opinion that the explanations required by clauses (8) (a.1) and (a.2) do not disclose both of the following:
  - i. That the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower tier municipality, fail to conform with the upper tier municipality's official plan.

- ~~ii. That the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower tier municipality, conforms with the upper tier municipality's official plan.~~
- ~~2. The Tribunal is of the opinion that,~~
  - ~~i. the appeal is not made in good faith or is frivolous or vexatious,~~
  - ~~ii. the appeal is made only for the purpose of delay, or~~
  - ~~iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.~~
- ~~3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2).~~
- ~~4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.~~
- ~~5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same**

~~(11.0.5) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal may, on its own initiative or on the motion of the municipality, the planning board, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council or the planning board at the time of its decision. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Representation**

~~(11.0.6) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 4 or 5 of subsection (11.0.4). 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Dismissal**

~~(11.0.7) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (11.0.4) or (11.0.5), as it considers appropriate. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Powers of L.P.A.T. — appeals under subs. (7)**

~~(11.0.8) Subject to subsections (11.0.9) to (11.0.17), after holding a hearing on an appeal under subsection (7), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Notice re opportunity to make new decision**

~~(11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the Tribunal shall notify the clerk of the municipality or the secretary treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,~~

- ~~— (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower tier municipality, fail to conform with the upper tier municipality's official plan; and~~
- ~~— (b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower tier municipality, conforms with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Revised amendment with consent of parties**

~~(11.0.10) Unless subsection (11.0.16) applies, if a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same, notice to make new decision**

~~(11.0.11) If subsection (11.0.10) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan, the Tribunal shall notify the clerk of the municipality or the secretary treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Rules that apply if notice received**

~~(11.0.12) If the clerk or secretary treasurer has received notice under subsection (11.0.9) or (11.0.11), the following rules apply:~~

- ~~1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:
    - ~~i. Subsections 17 (16) and (17.1) do not apply.~~
    - ~~ii. If the amendment is not exempt from approval,
      - ~~A. the reference to "within 210 days" in subsection 17 (40) shall be read as "within 90 days", and~~
      - ~~B. subsection 17 (40.1) does not apply.~~~~~~
- ~~2. The references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection (7.0.2) shall be read as "within 90 days after the day notice under subsection (11.0.9) or (11.0.11) was received". 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Second appeal**

~~(11.0.13) Subsections (11.0.14) to (11.0.16) apply with respect to an appeal under subsection (7) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same**

~~(11.0.14) In the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), the Tribunal may approve all or part of the requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same**

~~(11.0.15) Unless subsection (11.0.16) applies, in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment, if the Tribunal determines that,~~

- ~~(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower tier municipality, fail to conform with the upper tier municipality's official plan; and~~
- ~~(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower tier municipality, conforms with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same, revised amendment with consent of parties**

~~(11.0.16) If, on an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).~~

### **Same**

~~(11.0.17) If subsection (11.0.16) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower tier municipality, fails to conform with the upper tier municipality's official~~

~~plan, the Tribunal may make modifications to that part of the revised amendment and approve it as modified as part of an official plan amendment or refuse to approve all or part of that part of the revised amendment. 2017, c. 23, Sched. 3, s. 8 (7).~~

#### **Coming into effect**

~~(11.0.18) If the Tribunal approves all or part of a revised amendment as an official plan amendment or part of an official plan amendment under subsection (11.0.10) or (11.0.16), the amendment or part of the amendment that is approved comes into effect as an official plan amendment or part of an official plan amendment on the day after the day the amendment or part of the amendment was approved. 2017, c. 23, Sched. 3, s. 8 (7).~~

#### **Specified parties**

~~(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:~~

- ~~— 1. The municipality or planning board that received the request for an official plan amendment.~~
- ~~— 2. The appropriate approval authority, if the approval authority is a party.~~
- ~~— 3. The Minister, if the Minister is a party.~~
- ~~— 4. The person or public body that requested an amendment to the official plan. 2017, c. 23, Sched. 3, s. 8 (7).~~

#### **Matters of provincial interest**

(11.1) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the amendment or any part of the amendment in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal after the day the Tribunal gives notice under subsection (11) and the Minister shall identify,

- (a) the provisions of the amendment or any part of the amendment by which the provincial interest is, or is likely to be, adversely affected; and
- (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 8 (8).

#### **No hearing or notice required**

(11.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (11.1). 2004, c. 18, s. 4 (9).

#### **Confirmation by L.G. in C.**

(11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.

#### **Applicable rules if notice under subs. (11.1) received**

~~(11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the following rules apply:~~

- ~~— 1. Subsections (11.0.8) to (11.0.19) do not apply to the appeal.~~
- ~~— 2. The Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment.~~
- ~~— 3. The decision of the Tribunal is not final and binding in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. 2017, c. 23, Sched. 3, s. 8 (9).~~

#### **Action of L.G. in C.**

(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice and in doing so may direct the Minister to modify the amendment to the plan. 2004, c. 18, s. 4 (9); 2017, c. 23, Sched. 5, s. 88 (3).

#### **Withdrawal of appeal**

(12) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) are dismissed by the Tribunal without holding a hearing or are withdrawn, the Tribunal shall notify the council or the planning board and the council or the planning board may proceed to give notice of the public meeting or adopt or refuse to adopt the requested amendment, as the case may be. 2017, c. 23, Sched. 5, s. 88 (4).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Same**

(13) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) are dismissed by the Tribunal without holding a hearing or are withdrawn, the Tribunal shall notify the council or the planning board and the decision of the council or the planning board is final on the day that the last outstanding appeal has been withdrawn or dismissed. 2017, c. 23, Sched. 5, s. 88 (4).

## **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 13 - 22/05/1996; 1999, c. 12, Sched. M, s. 23 (1, 2) - 22/12/1999

2004, c. 18, s. 4 (1-4, 7, 8, 10) - 15/12/2003; 2004, c. 18, s. 4 (5, 6, 9) - 30/11/2004

2006, c. 23, s. 11 (1-10) - 01/01/2007

2011, c. 6, Sched. 2, s. 4 - 01/01/2012

2015, c. 26, s. 21 (1-8) - 01/07/2016

2017, c. 23, Sched. 3, s. 8 (1-9) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 81, 88 (1-4) - 03/04/2018

2018, c. 16, s. 8 (4, 5) - not in force

## **Interpretation of transitional provisions**

**22.1** A reference, in any Act or regulation, to the day on which a request for an official plan amendment is received shall be read as a reference to the day on which the council or planning board receives the information and material required under subsections 22 (4) and (5), if any, and any fee under section 69. 2015, c. 26, s. 22.

## **Section Amendments with date in force (d/m/y)**

2015, c. 26, s. 22 - 03/12/2015

## **Matter of provincial interest affected by official plan**

**23** (1) If the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under subsection 3 (1) is, or is likely to be, affected by an official plan, the Minister may,

(a) advise the council of the municipality that adopted the plan about the issue; and

(b) invite the council to submit, within the time specified by the Minister, proposals for resolving the issue. 2015, c. 26, s. 23 (1).

## **Power to amend plan**

(1.1) If the council fails to submit proposals to resolve the issue within the specified time, or if, after consultation with the Minister on the proposals, the issue cannot be resolved and the Minister so advises the council, the Minister may by order amend the plan so that it is no longer likely to affect the matter of provincial interest. 2015, c. 26, s. 23 (1).

## **Effect of order**

(1.2) The Minister's order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority. 2015, c. 26, s. 23 (1).

## **Hearing by L.P.A.T.**

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Tribunal to hold a hearing on the proposed amendment and the Tribunal shall thereupon hold a hearing as to whether the amendment should be made. 2017, c. 23, Sched. 5, s. 89 (1).

## **Refusal to refer to L.P.A.T.**

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, the Minister may refuse the request. R.S.O. 1990, c. P.13, s. 23 (3).

## **Notice**

(4) Where the Minister has requested the Tribunal to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Tribunal may direct, and the Tribunal shall hear any submissions that any person may desire to bring to the attention of the Tribunal. 2017, c. 23, Sched. 5, s. 89 (1).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



### **Decision of L.P.A.T.**

(5) The Tribunal, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it. R.S.O. 1990, c. P.13, s. 23 (5); 1994, c. 23, s. 15 (1); 2004, c. 18, s. 5 (1); 2017, c. 23, Sched. 5, s. 80.

### **Powers of L.G. in C.**

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine. 2004, c. 18, s. 5 (2); 2017, c. 23, Sched. 5, s. 89 (2).

### **Non-application of *Legislation Act, 2006*, Part III**

(7) The following are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*:

1. An order made by the Minister under subsection (1.1) or pursuant to the Lieutenant Governor in Council's direction under subsection (6).
2. An order made by the Lieutenant Governor in Council under subsection (6). 2015, c. 26, s. 23 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 15 (1, 2) - 28/03/1995

2004, c. 18, s. 5 (1, 2) - 30/11/2004

2015, c. 26, s. 23 (1, 2) - 01/07/2016

2017, c. 23, Sched. 5, s. 80, 89 (1, 2) - 03/04/2018

### **Public works and by-laws to conform with plan**

**24** (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

### **Pending amendments**

(2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. 2006, c. 23, s. 12.

### **Same**

(2.1) A by-law referred to in subsection (2),

- (a) shall be conclusively deemed to have conformed with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect; and
- (b) is of no force and effect, if the amendment to the official plan does not come into effect. 2006, c. 23, s. 12.

### **Preliminary steps that may be taken where proposed public work would not conform with official plan**

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. R.S.O. 1990, c. P.13, s. 24 (3).

### **Deemed conformity**

(4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 2017, c. 23, Sched. 5, s. 90.

### **Section Amendments with date in force (d/m/y)**

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



1994, c. 23, s. 16 (2) - 28/03/1995; 1996, c. 4, s. 14 (1, 2) - 22/05/1996; 1999, c. 12, Sched. M, s. 24 - 22/12/1999

2006, c. 23, s. 12 - 01/01/2007

2017, c. 23, Sched. 5, s. 90 - 03/04/2018

### **Acquisition of lands in accordance with provisions of plan**

**25** (1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have come into effect after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, and any land so acquired or held may be sold, leased or otherwise disposed of when no longer required. R.S.O. 1990, c. P.13, s. 25 (1); 1994, c. 23, s. 17; 1996, c. 4, s. 15.

### **Contribution towards cost**

(2) Any municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1990, c. P.13, s. 25 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 17 - 28/03/1995; 1996, c. 4, s. 15 - 22/05/1996

### **Updating official plan**

**26** (1) If an official plan is in effect in a municipality, the council of the municipality that adopted the official plan shall, in accordance with subsection (1.1), revise the official plan as required to ensure that it,

- (a) conforms with provincial plans or does not conflict with them, as the case may be;
- (b) has regard to the matters of provincial interest listed in section 2; and
- (c) is consistent with policy statements issued under subsection 3 (1). 2015, c. 26, s. 24 (1).

### **Same**

(1.1) The council shall revise the plan no less frequently than,

- (a) 10 years after it comes into effect as a new official plan; and
- (b) every five years thereafter, unless the plan has been replaced by another new official plan. 2015, c. 26, s. 24 (1).

### **Same**

(1.2) For the purposes of establishing the 10-year and five-year periods mentioned in subsection (1.1), a plan is considered to have come into effect even if there are outstanding appeals relating to those parts of the plan that propose to specifically designate land uses. 2015, c. 26, s. 24 (1).

### **Municipal discretion to combine**

(2) For greater certainty,

- (a) the council has discretion to combine a provincial plan conformity exercise with a revision under subsection (1); and
- (b) if the council exercises the discretion described in clause (a), it must comply with clauses (1) (a), (b) and (c) and with all the procedural requirements of this section, in connection both with the revision and with the provincial plan conformity exercise. 2015, c. 26, s. 24 (2).

### **Provincial plan conformity exercise**

(2.1) For the purposes of subsection (2), a provincial plan conformity exercise is the process whereby the council amends the official plan, in accordance with another Act, to conform with a provincial plan. 2015, c. 26, s. 24 (2).

### **Consultation and special meeting**

(3) Before revising the official plan under subsection (1), the council shall,

- (a) consult with the approval authority and with the prescribed public bodies with respect to the revisions that may be required; and
- (b) hold a special meeting of council, open to the public, to discuss the revisions that may be required. 2006, c. 23, s. 13.

### **Notice**

(4) Notice of every special meeting to be held under clause (3) (b) shall be published at least once a week in each of two separate weeks, and the last publication shall take place at least 30 days before the date of the meeting. 2006, c. 23, s. 13.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Public participation**

(5) The council shall have regard to any written submissions about what revisions may be required and shall give any person who attends the special meeting an opportunity to be heard on that subject. 2006, c. 23, s. 13.

### **No exemption from approval**

(6) An order under subsection 17 (9) does not apply to an amendment made under subsection (1). 2006, c. 23, s. 13.

### **Declaration**

(7) Each time it revises the official plan under subsection (1), the council shall, by resolution, declare to the approval authority that the official plan meets the requirements of clauses (1) (a), (b) and (c). 2006, c. 23, s. 13; 2015, c. 26, s. 24 (3).

### **Direction by approval authority**

(8) Despite subsection (1), the approval authority may, at any time, direct the council of a municipality to undertake a revision of all or part of any official plan in effect in the municipality and when so directed the council shall cause the revision to be undertaken without undue delay. 2006, c. 23, s. 13.

### **Updating zoning by-laws**

(9) No later than three years after a revision under subsection (1) or (8) comes into effect, the council of the municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan. 2006, c. 23, s. 13.

### **Minister may request amendment to zoning by-law**

(10) The Minister may, if he or she is of the opinion that a zoning by-law in effect in the municipality does not conform with the official plan as revised under subsection (1) or (8), request the council of the municipality to pass an amendment to the zoning by-law to achieve conformity. 2006, c. 23, s. 13.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 18 (2) - 28/03/1995; 1996, c. 4, s. 16 (1-3) - 22/05/1996

2006, c. 23, s. 13 - 01/01/2007

2015, c. 26, s. 24 (1-3) - 01/07/2016

### **Amendments to conform to official plan**

**27** (1) The council of a lower-tier municipality shall amend every official plan and every by-law passed under section 34, or a predecessor of it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality. 2002, c. 17, Sched. B, s. 7.

### **Failure to make amendments**

(2) If the official plan of an upper-tier municipality comes into effect as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year from the day the plan comes into effect as the official plan, the council of the upper-tier municipality may amend the official plan of the lower-tier municipality or zoning by-law, as the case may be, in the like manner and subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required. 2002, c. 17, Sched. B, s. 7.

### **Deemed by-law**

(3) An amending by-law passed under subsection (2) by the council of an upper-tier municipality shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended. 2002, c. 17, Sched. B, s. 7.

### **Conflicts**

(4) In the event of a conflict between the official plan of an upper-tier municipality and the official plan of a lower-tier municipality, the plan of the upper-tier municipality prevails to the extent of the conflict but in all other respects the official plan of the lower-tier municipality remains in effect. 2002, c. 17, Sched. B, s. 7.

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 7 - 01/01/2003

**PART IV  
COMMUNITY IMPROVEMENT**

**Community improvement project area**

**28** (1) In this section,

“community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary; (“améliorations communautaires”)

“community improvement plan” means a plan for the community improvement of a community improvement project area; (“plan d’améliorations communautaires”)

“community improvement project area” means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. (“zone d’améliorations communautaires”) R.S.O. 1990, c. P.13, s. 28 (1); 2001, c. 17, s. 7 (1, 2); 2006, c. 23, s. 14 (1).

**Affordable housing**

(1.1) Without limiting the generality of the definition of “community improvement” in subsection (1), for greater certainty, it includes the provision of affordable housing. 2006, c. 23, s. 14 (2).

**Designation of community improvement project area**

(2) Where there is an official plan in effect in a local municipality or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area. R.S.O. 1990, c. P.13, s. 28 (2); 2006, c. 23, s. 14 (3).

**Acquisition and clearance of land**

(3) When a by-law has been passed under subsection (2), the municipality may,

- (a) acquire land within the community improvement project area;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement. R.S.O. 1990, c. P.13, s. 28 (3); 2001, c. 17, s. 7 (3); 2015, c. 26, s. 25.

**Community improvement plan**

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the plan may be adopted and come into effect in accordance with subsections (5) and (5.1). 2006, c. 32, Sched. C, s. 47 (1).

**Restriction re upper-tier municipality**

(4.0.1) The community improvement plan of an upper-tier municipality may deal only with prescribed matters. 2006, c. 23, s. 14 (4).

(4.1)-(4.4) REPEALED: 2006, c. 32, Sched. C, s. 47 (1).

**Same**

(5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and ~~(49) to (50.1) apply~~<sup>(49), (50) and (50.1)</sup>, as they read on the day before section 9 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, apply, with necessary modifications, in respect of a community improvement plan and any amendments to it. 2006, c. 32, Sched. C, s. 47 (1); 2017, c. 23, Sched. 3, s. 9.

**Same**

(5.1) The Minister is deemed to be the approval authority for the purpose of subsection (5). 2006, c. 32, Sched. C, s. 47 (1).

## **Same**

(5.2) Despite subsection (5), if an official plan contains provisions describing the alternative measures mentioned in subsection 17 (19.3), subsections 17 (15), (17) and (19) to (19.2) do not apply in respect of the community improvement plan and any amendments to it, if the measures are complied with. 2006, c. 32, Sched. C, s. 47 (1).

## **Powers of council re land**

- (6) For the purpose of carrying out a community improvement plan that has come into effect, the municipality may,
- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
  - (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan. R.S.O. 1990, c. P.13, s. 28 (6); 2001, c. 17, s. 7 (6).

## **Grants or loans re eligible costs**

(7) For the purpose of carrying out a municipality's community improvement plan that has come into effect, the municipality may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan. 2006, c. 23, s. 14 (8).

## **Eligible costs**

(7.1) For the purposes of subsection (7), the eligible costs of a community improvement plan may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities. 2006, c. 23, s. 14 (8).

## **Grants or loans between upper and lower-tier municipalities**

(7.2) The council of an upper-tier municipality may make grants or loans to the council of a lower-tier municipality and the council of a lower-tier municipality may make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a community improvement plan that has come into effect, on such terms as to security and otherwise as the council considers appropriate, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. 2006, c. 23, s. 14 (8).

## **Maximum amount**

(7.3) The total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the *Municipal Act, 2001* or section 333 of the *City of Toronto Act, 2006*, as the case may be, that is provided in respect of the lands and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings. 2006, c. 23, s. 14 (8); 2006, c. 32, Sched. C, s. 48 (3).

(8) REPEALED: 2006, c. 32, Sched. C, s. 47 (3).

## **Application of s. 32 (2, 3)**

(9) Subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section. R.S.O. 1990, c. P.13, s. 28 (9).

## **Conditions of sale, etc.**

(10) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that the person or authority will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time. R.S.O. 1990, c. P.13, s. 28 (10).

## **Registration of agreement**

(11) An agreement concerning a grant or loan made under subsection (7) or an agreement entered into under subsection (10), may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land. R.S.O. 1990, c. P.13, s. 28 (11); 2006, c. 23, s. 14 (10).

### **Debentures**

(12) Despite subsection 408 (3) of the *Municipal Act, 2001* or any regulation under section 256 of the *City of Toronto Act, 2006*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Tribunal, provides. 2002, c. 17, Sched. B, s. 9; 2006, c. 32, Sched. C, s. 47 (4); 2017, c. 23, Sched. 5, s. 91.

### **Dissolution of area**

(13) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area. R.S.O. 1990, c. P.13, s. 28 (13).

### **Section Amendments with date in force (d/m/y)**

2001, c. 17, s. 7 (1-8) - 01/12/2002

2002, c. 17, Sched. B, s. 8 (1-4), 9 - 01/01/2003

2006, c. 23, s. 14 (1-10) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (1-4), 48 (3) - 01/01/2007

2015, c. 26, s. 25 - 01/07/2016

2017, c. 23, Sched. 3, s. 9 - 03/04/2018; 2017, c. 23, Sched. 5, s. 91 - 03/04/2018

### **Agreement re studies and development**

**29** (1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

### **Where approval of Minister not required**

(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister. R.S.O. 1990, c. P.13, s. 29.

### **Agreements for grants in aid of community improvement**

**30** The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement. R.S.O. 1990, c. P.13, s. 30.

**31** REPEALED: 1997, c. 24, s. 226 (1).

**Note:** Despite the repeal of section 31, an order made under that section is continued as an order made under the corresponding provision of the *Building Code Act, 1992*. See: 1997, c. 24, ss. 226 (2), 228.

### **Section Amendments with date in force (d/m/y)**

1997, c. 24, s. 226 (1) - 17/06/1998

### **Grants or loans for repairs**

**32** (1) When a by-law under section 15.1 of the *Building Code Act, 1992* is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which an order has been made under subsection 15.2 (2) of that Act to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe. R.S.O. 1990, c. P.13, s. 32 (1); 1997, c. 24, s. 226 (3).

### **Loans collected as taxes, lien on land**

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

### **Registration of certificate**

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. R.S.O. 1990, c. P.13, s. 32 (2, 3).

### **Section Amendments with date in force (d/m/y)**

1997, c. 24, s. 226 (3) - 17/06/1998

### **Demolition control area**

**33** (1) In this section,

“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)

“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building. (“immeuble d’habitation”) R.S.O. 1990, c. P.13, s. 33 (1).

### **Establishment of demolition control area by by-law**

(2) When a by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section. R.S.O. 1990, c. P.13, s. 33 (2); 1997, c. 24, s. 226 (4).

### **Council may issue or refuse to issue permit**

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

### **Appeal to L.P.A.T.**

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

### **Notice of appeal**

(5) The person appealing to the Tribunal under subsection (4) shall, in such manner and to such persons as the Tribunal may direct, give notice of the appeal to the Tribunal. 2017, c. 23, Sched. 5, s. 92.

### **Application for demolition permit where building permit issued**

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

### **Conditions of demolition permit**

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector’s roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.



### **Registration of notice**

(8) Notice of any condition imposed under subsection (7) may be registered in the proper land registry office against the land to which it applies.

### **Registration of certificate**

(9) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

### **Appeal to L.P.A.T.**

(10) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, the applicant may appeal to the Tribunal for a variation of the conditions and, where an appeal is brought, the Tribunal shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Tribunal considers appropriate, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

### **Application to council for relief from conditions of demolition permit**

(11) Where a condition has been imposed under subsection (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.

### **Notice of application**

(12) Notice of application under subsection (11) shall be sent by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and, where the council under subsection (14) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

### **Extension of time**

(13) Despite subsection (12), the council may, at any time, extend the date specified in that subsection for the making of an application for relief from the conditions on which the permit was issued.

### **Powers of council on application**

(14) Where an application is made under subsection (11), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

### **Appeal to L.P.A.T.**

(15) Any person who has made application to the council under subsection (11) may appeal from the decision of the council to the Tribunal within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and the Tribunal on the appeal has the same powers as the council has under subsection (14) and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

### **Offence**

(16) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished.

### **Standards for health and safety remain in force**

(17) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control. R.S.O. 1990, c. P.13, s. 33 (3-17).



### **Certain proceedings stayed**

(18) Subject to subsection (17), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Tribunal has heard the appeal and issued its order thereon. R.S.O. 1990, c. P.13, s. 33 (18); 1997, c. 24, s. 226 (5); 2017, c. 23, Sched. 5, s. 80.

### **Exemption re Building Code**

(19) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in subsection 8 (1) of the *Building Code Act, 1992*. R.S.O. 1990, c. P.13, s. 33 (19); 1997, c. 24, s. 226 (6).

### **Section Amendments with date in force (d/m/y)**

1997, c. 24, s. 226 (4-6) - 17/06/1998

2017, c. 23, Sched. 5, s. 80, 92 - 03/04/2018

## **PART V LAND USE CONTROLS AND RELATED ADMINISTRATION**

### **Zoning by-laws**

**34** (1) Zoning by-laws may be passed by the councils of local municipalities:

#### **Restricting use of land**

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

#### **Restricting erecting, locating or using of buildings**

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

#### **Marshy lands, etc.**

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

#### **Contaminated lands; sensitive or vulnerable areas**

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,
  - i. that is contaminated,
  - ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
  - iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act, 2006*.

#### **Natural features and areas**

- 3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,
  - i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
  - ii. that is a significant corridor or shoreline of a lake, river or stream, or
  - iii. that is a significant natural corridor, feature or area.

#### **Significant archaeological resources**

- 3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Construction of buildings or structures**

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

### **Minimum elevation of doors, etc.**

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

### **Loading or parking facilities**

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1); 1994, c. 23, s. 21 (1, 2); 1996, c. 4, s. 20 (1-3); 2006, c. 22, s. 115.

### **Pits and quarries**

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). R.S.O. 1990, c. P.13, s. 34 (2).

### **Area, density and height**

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

### **City of Toronto**

(3.1) Subsection (3) does not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (2).

### **Interpretation**

(4) A trailer as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, and a mobile home as defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section. 2006, c. 32, Sched. C, s. 47 (5).

### **Prohibition of use of land, etc., availability of municipal services**

(5) A by-law passed under paragraph 1 or 2 of subsection (1) or a predecessor of that paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be. R.S.O. 1990, c. P.13, s. 34 (5).

### **Loading or parking facilities – by-law provisions**

(5.1) A by-law passed under paragraph 6 of subsection (1) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 3 (1).

### **Certificates of occupancy**

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1990, c. P.13, s. 34 (6).

### **Use of maps**

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein. R.S.O. 1990, c. P.13, s. 34 (7).

### **Acquisition and disposition of non-conforming lands**

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum established for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality. R.S.O. 1990, c. P.13, s. 34 (8); 1996, c. 4, s. 20 (4).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Excepted lands and buildings**

(9) No by-law passed under this section applies,

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or
- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the *Building Code Act, 1992*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).

### **By-law may be amended**

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. R.S.O. 1990, c. P.13, s. 34 (10).

### **Two-year period, no application for amendment**

(10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. 2015, c. 26, s. 26 (1).

### **Exception**

(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 26 (2).

### **Consultation**

(10.0.1) The council,

- (a) shall permit applicants to consult with the municipality before submitting applications to amend by-laws passed under this section; and
- (b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 15 (3).

### **Prescribed information**

(10.1) A person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section shall provide the prescribed information and material to the council. 1996, c. 4, s. 20 (5).

### **Other information**

(10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 15 (4).

### **Refusal and timing**

(10.3) Until the council has received the information and material required under subsections (10.1) and (10.2), if any, and any fee under section 69,

- (a) the council may refuse to accept or further consider the application for an amendment to the by-law; and
- (b) the time period referred to in subsection (11) does not begin. 2006, c. 23, s. 15 (4).

### **Response re completeness of application**

(10.4) Within 30 days after the person or public body that makes the application for an amendment to a by-law pays any fee under section 69, the council shall notify the person or public body that the information and material required under subsections (10.1) and (10.2), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 15 (4).

### **Motion re dispute**

(10.5) Within 30 days after a negative notice is given under subsection (10.4), the person or public body or the council may make a motion for directions to have the Tribunal determine,

- (a) whether the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (10.2) is reasonable. 2017, c. 23, Sched. 5, s. 93 (1).

### **Same**

(10.6) If the council does not give any notice under subsection (10.4), the person or public body may make a motion under subsection (10.5) at any time after the 30-day period described in subsection (10.4) has elapsed. 2006, c. 23, s. 15 (4).

### **Notice of particulars and public access**

(10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall,

- (a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application for an amendment to a by-law, accompanied by the prescribed information; and
- (b) make the information and material provided under subsections (10.1) and (10.2) available to the public. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80.

### **Final determination**

(10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80.

### **Notice of refusal**

(10.9) When a council refuses an application to amend its by-law, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,

- (a) to the person or public body that made the application;
- (b) to each person and public body that filed a written request to be notified of a refusal; and
- (c) to any prescribed person or public body. 2015, c. 26, s. 26 (3).

### **Contents**

(10.10) The notice under subsection (10.9) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 26 (3).

### **Written and oral submissions**

(10.11) Clause (10.10) (a) applies to,

- (a) any written submissions relating to the application that were made to the council before its decision; and
- (b) any oral submissions relating to the application that were made at a public meeting. 2015, c. 26, s. 26 (3).

### **Appeal to L.P.A.T.**

(11) Subject to subsection (11.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within ~~90~~ 150 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*:

1. The applicant.
2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1).

### **Same, where amendment to official plan required**

(11.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11)

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

may be made only if the application is refused or the council fails to make a decision on it within ~~120~~ 210 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1).

#### **Basis for appeal**

~~(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,~~

- ~~— (a) the existing part or parts of the by law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and~~
- ~~— (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1).~~

#### **Same**

~~(11.0.0.0.3) For greater certainty, council does not refuse an application for an amendment to a by law passed under this section or a predecessor of this section or fail to make a decision on the application if it amends the by law in response to the application, even if the amendment that is passed differs from the amendment that is the subject of the application. 2017, c. 23, Sched. 3, s. 10 (1).~~

#### **Notice of Appeal**

~~(11.0.0.0.4) A notice of appeal under subsection (11) shall,~~

- ~~— (a) explain how the existing part or parts of the by law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and~~
- ~~— (b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1).~~

#### **Exception**

~~(11.0.0.0.5) Subsections (11.0.0.0.2) and (11.0.0.0.4) do not apply to an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.3). 2017, c. 23, Sched. 3, s. 10 (1).~~

#### **Use of dispute resolution techniques**

(11.0.0.1) If an application for an amendment is refused as described in subsection (11) and a notice of appeal is filed under that subsection, the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (5).

#### **Notice and invitation**

(11.0.0.2) If the council decides to act under subsection (11.0.0.1),

- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) it shall give an invitation to participate in the dispute resolution process to,
  - (i) as many of the appellants as the council considers appropriate,
  - (ii) the applicant, if the applicant is not an appellant, and
  - (iii) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (5).

#### **Extension of time**

(11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clause (23) (b) is extended to 75 days. 2015, c. 26, s. 26 (5).

#### **Participation voluntary**

(11.0.0.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (11.0.0.2) (b) is voluntary. 2015, c. 26, s. 26 (5).

### ***Consolidated Hearings Act***

(11.0.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired. 2006, c. 23, s. 15 (5).

(11.0.2) REPEALED: 2017, c. 23, Sched. 3, s. 10 (2).

### **Time for filing certain appeals**

(11.0.3) A notice of appeal under subsection (11) with respect to the refusal of an application shall be filed no later than 20 days after the day that the giving of notice under subsection (10.9) is completed. 2006, c. 23, s. 15 (5).

### **Restricted appeals, areas of settlement**

(11.0.4) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to implement,

- (a) an alteration to all or any part of the boundary of an area of settlement; or
- (b) a new area of settlement. 2006, c. 23, s. 15 (5).

### **Restricted appeals, areas of employment**

(11.0.5) Despite subsection (11), if the official plan contains policies dealing with the removal of land from areas of employment, there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 15 (5).

### **No appeal re inclusionary zoning policies**

(11.0.6) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to amend or repeal a part of the by-law that gives effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsections: (See: 2018, c. 16, s. 8 (6))**

### **No appeal re renewable energy undertakings**

(11.0.7) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to permit a renewable energy undertaking. 2018, c. 16, s. 8 (6).

### **Exception re Minister**

(11.0.8) Subsection (11.0.7) does not apply to an appeal by the Minister. 2018, c. 16, s. 8 (6).

### **Withdrawal of appeal**

(11.1) If all appeals under subsection (11) are withdrawn, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding or the council may proceed to give notice of the public meeting or pass or refuse to pass the by-law, as the case may be. 1999, c. 12, Sched. M, s. 25 (1); 2017, c. 23, Sched. 5, s. 82.

### **Information and public meeting; open house in certain circumstances**

(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26),

- (a) the council shall ensure that,
  - (i) sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council, and
  - (ii) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law; and
- (b) in the case of a by-law that is required by subsection 26 (9) or is related to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under subclause (a) (i). 2006, c. 23, s. 15 (6); 2009, c. 33, Sched. 21, s. 10 (2); 2017, c. 23, Sched. 3, s. 10 (3).



## **Notice**

(13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b),

(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and

(b) shall be accompanied by the prescribed information. 2006, c. 23, s. 15 (6).

## **Timing of open house**

(14) The open house required by clause (12) (b) shall be held no later than seven days before the public meeting required under subclause (12) (a) (ii) is held. 2006, c. 23, s. 15 (6).

## **Timing of public meeting**

(14.1) The public meeting required under subclause (12) (a) (ii) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 15 (6).

## **Participation in public meeting**

(14.2) Every person who attends a public meeting required under subclause (12) (a) (ii) shall be given an opportunity to make representations in respect of the proposed by-law. 2006, c. 23, s. 15 (6).

## **Alternative measures**

(14.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws, and if the measures are complied with, clause (10.7) (a) and subsections (12) to (14.2) do not apply to the proposed by-laws, but subsection (14.6) does apply. 2015, c. 26, s. 26 (6).

## **Same**

(14.4) In the course of preparing the official plan, before including alternative measures described in subsection (14.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed by-laws to the prescribed persons and public bodies mentioned in clause (13) (a). 2015, c. 26, s. 26 (6).

## **Transition**

(14.4.1) For greater certainty, subsection (14.4) does not apply with respect to alternative measures that were included in an official plan before the day subsection 26 (6) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 26 (6).

## **Information**

(14.5) At a public meeting under subclause (12) (a) (ii), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (11) and (19). 2006, c. 23, s. 15 (6).

## **Where alternative procedures followed**

(14.6) If subsection (14.3) applies, the information required under subsection (14.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of proposed zoning by-laws. 2006, c. 23, s. 15 (6); 2015, c. 26, s. 26 (7).

## **Information to public bodies**

(15) The council shall forward to such public bodies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal. R.S.O. 1990, c. P.13, s. 34 (15); 1994, c. 23, s. 21 (5).

## **Conditions**

(16) If the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 23, s. 15 (7).

## **Same**

(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed. 2006, c. 23, s. 15 (7).

## **Same**

(16.2) When a prescribed condition is imposed under subsection (16),

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



- (a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition;
- (b) the agreement may be registered against the land to which it applies; and
- (c) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 23, s. 15 (7).

#### **City of Toronto**

(16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (8).

#### **Further notice**

(17) Where a change is made in a proposed by-law after the holding of the public meeting mentioned in subclause (12) (a) (ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law. R.S.O. 1990, c. P.13, s. 34 (17); 2006, c. 23, s. 15 (9).

#### **Notice of passing of by-law**

(18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the by-law is given in the prescribed manner, no later than 15 days after the day the by-law is passed,

- (a) to the person or public body that made the application, if any;
- (b) to each person and public body that filed a written request to be notified of the decision; and
- (c) to any prescribed person or public body. 2015, c. 26, s. 26 (8); 2017, c. 23, Sched. 5, s. 93 (2).

#### **Contents**

(18.1) The notice under subsection (18) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 26 (8).

#### **Written and oral submissions**

(18.2) Clause (18.1) (a) applies to,

- (a) any written submissions relating to the by-law that were made to the council before its decision; and
- (b) any oral submissions relating to the by-law that were made at a public meeting. 2015, c. 26, s. 26 (8).

#### **Appeal to L.P.A.T.**

(19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a [notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee](#) ~~notice of appeal accompanied by the fee~~ charged under the *Local Planning Appeal Tribunal Act, 2017*:

1. The applicant.
2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4).

#### **Same**

[\(19.0.1\) If the appellant intends to argue that the by-law is inconsistent with a policy statement issued under subsection 3 \(1\), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document.](#)

#### **Basis for appeal**

~~(19.0.1) An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5).~~

## **Notice of Appeal**

~~(19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5).~~

### **No appeal re second unit policies**

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard relating to such policies. 2016, c. 25, Sched. 4, s. 3 (3).

### **Exception re Minister**

(19.2) Subsection (19.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (3).

### **No appeal re inclusionary zoning policies**

(19.3) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (4), including, for greater certainty, no appeal in respect of any condition, requirement or standard relating to such policies. 2016, c. 25, Sched. 4, s. 3 (4).

### **Matters referred to in s. 34 (1)**

(19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection (1) even if such matter is included in the by-law as a measure or incentive in support of the policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (5); 2017, c. 23, Sched. 3, s. 10 (6).

### **Exception re Minister**

(19.4) Subsection (19.3) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (4).

### **No appeal re protected major transit station area – permitted uses, etc.**

(19.5) Despite subsections (19) and (19.3.1), and subject to subsections (19.6) to (19.8), there is no appeal in respect of,

- (a) the parts of a by-law that establish permitted uses or the minimum or maximum densities with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16); or
- (b) the parts of a by-law that establish minimum or maximum heights with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16). 2017, c. 23, Sched. 3, s. 10 (7).

### **Same, by-law of a lower-tier municipality**

(19.6) Subsection (19.5) applies to a by-law of a lower-tier municipality only if the municipality's official plan contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) with respect to the protected major transit station area. 2017, c. 23, Sched. 3, s. 10 (7).

### **Exception**

(19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is required in respect of that parcel. 2017, c. 23, Sched. 3, s. 10 (7).

### **Exception re Minister**

(19.8) Subsection (19.5) does not apply to an appeal by the Minister. 2017, c. 23, Sched. 3, s. 10 (7).

### **When giving of notice deemed completed**

(20) For the purposes of subsections (11.0.3) and (19), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed;
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed; and
- (d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. R.S.O. 1990, c. P.13, s. 34 (20); 1994, c. 23, s. 21 (9); 2015, c. 26, s. 26 (10).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Use of dispute resolution techniques**

(20.1) When a notice of appeal is filed under subsection (19), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (11).

### **Notice and invitation**

(20.2) If the council decides to act under subsection (20.1),

- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) it shall give an invitation to participate in the dispute resolution process to,
  - (i) as many of the appellants as the council considers appropriate,
  - (ii) the applicant, if there is an applicant who is not an appellant, and
  - (iii) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (11).

### **Extension of time**

(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clause (23) (b) and subsections (23.2) and (23.3) is extended to 75 days. 2015, c. 26, s. 26 (11).

### **Participation voluntary**

(20.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (20.2) (b) is voluntary. 2015, c. 26, s. 26 (11).

### **When by-law deemed to have come into force**

(21) When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the official plan comes into effect. R.S.O. 1990, c. P.13, s. 34 (21); 1994, c. 23, s. 21 (10); 1996, c. 4, s. 20 (8).

### **Affidavit re no appeal, etc.**

(22) An affidavit or declaration of an employee of the municipality that notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein. R.S.O. 1990, c. P.13, s. 34 (22); 1996, c. 4, s. 20 (9).

### **Record**

(23) The clerk of a municipality who receives a notice of appeal under subsection (11) or (19) shall ensure that,

- (a) a record that includes the prescribed information and material is compiled;
- (b) the notice of appeal, record and fee are forwarded to the Tribunal,
  - (i) within 15 days after the last day for filing a notice of appeal under subsection (11.0.3) or (19), as the case may be, or
  - (ii) within 15 days after a notice of appeal is filed under subsection (11) with respect to the failure to make a decision; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 3, s. 10 (8).

### **Withdrawal of appeals**

(23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding. 2017, c. 23, Sched. 5, s. 93 (3).

### **Exception**

(23.2) Despite clause (23) (b), if all appeals under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (23) (b) and (c) to the Tribunal. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (4).

### **Decision final**

(23.3) If all appeals to the Tribunal under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council is final and binding. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (5).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## Hearing and notice thereof

(24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 93 (6).

## Restriction re adding parties

(24.1) Despite subsection (24), in the case of an appeal under subsection (11) that relates to all or part of an application for an amendment to a by-law that is refused, or in the case of an appeal under subsection (19), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (24.2).
2. The Minister. 2006, c. 23, s. 15 (12).

## Same

(24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are:

1. Before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council.
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 5, s. 80.

(24.3)-(24.6) REPEALED: 2017, c. 23, Sched. 3, s. 10 (9).

## New information and material at hearing

(24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal.

## Same

(24.4) When subsection (24.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed.

## Notice to council

(24.5) The Tribunal shall notify the council that it is being given an opportunity to,

(a) reconsider its decision in light of the information and material; and

(b) make a written recommendation to the Tribunal.

## Council's recommendation

(24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards.

## Conflict with SPPA

(24.7) Subsections (24.1) to (24.6) apply despite the *Statutory Powers Procedure Act*.

## Conflict with SPPA

~~(24.7) Subsections (24.1) and (24.2) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 3, s. 10 (10).~~

## Dismissal without hearing

(25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,

i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal.

ii. the appeal is not made in good faith or is frivolous or vexatious.

iii. the appeal is made only for the purpose of delay, or

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

2. The appellant has not provided written reasons for the appeal.

3. The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection.

4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

### **Dismissal without hearing**

~~(25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:~~

- ~~— 1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.4) do not disclose both of the following:
  - ~~— i. That the existing part or parts of the by law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan.~~
  - ~~— ii. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.~~~~
- ~~— 2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.~~
- ~~— 3. The Tribunal is of the opinion that,
  - ~~— i. the appeal is not made in good faith or is frivolous or vexatious,~~
  - ~~— ii. the appeal is made only for the purpose of delay, or~~
  - ~~— iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.~~~~
- ~~— 4. The appellant has not provided the explanation required by subsection (11.0.0.4) or (19.0.2), as applicable.~~
- ~~— 5. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.~~
- ~~— 6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 10 (11).~~

### **Representation**

(25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 ~~or 6~~ of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12).

### **Same**

(25.1.1) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of the municipality or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 3, s. 10 (13).

### **Dismissal**

(25.2) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (25) or (25.1.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (7).

### **Powers of L.P.A.T.**

(26) The Tribunal may,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- ~~(a) on an appeal under subsection (11) or (19), dismiss the appeal;~~
- ~~(b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or~~
- ~~(c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order.~~

#### **~~Powers of L.P.A.T.~~**

~~(26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Notice re opportunity to make new decision — appeal under subs. (11)~~**

~~(26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,~~

- ~~— (a) the existing part or parts of the by law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and~~
- ~~— (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Same — appeal under subs. (19)~~**

~~(26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by law to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan,~~

- ~~— (a) the Tribunal shall repeal that part of the by law; and~~
- ~~— (b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Powers of L.P.A.T. — Draft by-law with consent of parties~~**

~~(26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Notice to make new decision~~**

~~(26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Rules that apply if notice received~~**

~~(26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:~~

- ~~— 1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply.~~
- ~~— 2. The reference to “within 150 days after the receipt by the clerk of the application” in subsection (11) shall be read as “within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received”. 2017, c. 23, Sched. 3, s. 10 (14).~~

#### **~~Second appeal, subs. (11) — failure to make decision~~**

~~(26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14).~~



### **Second appeal, subs. (11) — refusal**

~~(26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order if the Tribunal determines that,~~

- ~~— (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and~~
- ~~— (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Second appeal — subs. (19)**

~~(26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal's order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Draft by-law with consent of the parties**

~~(26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Same**

~~(26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Specified parties**

~~(26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:~~

- ~~— 1. The municipality.~~
- ~~— 2. The Minister, if the Minister is a party.~~
- ~~— 3. If applicable, the applicant.~~
- ~~— 4. If applicable, all appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Effect on original by-law**

~~(26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed. 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Non-application of s. 24 (4)**

~~(26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4). 2017, c. 23, Sched. 3, s. 10 (14).~~

### **Matters of provincial interest**

~~(27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal~~after the day the Tribunal gives notice under subsection (24)~~ and the Minister shall identify,~~

- ~~(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and~~

- (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15).

#### **No hearing or notice required**

(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27). 2004, c. 18, s. 6 (3).

#### **No order to be made**

(29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice.

#### **Applicable rules if notice under subs. (27) received**

(29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules apply:

- 1. Subsections (26) to (26.12) do not apply to the appeal.
- 2. The Tribunal may make a decision as to whether the appeal should be dismissed or the by-law should be repealed or amended in whole or in part or the council of the municipality should be directed to repeal or amend the by-law in whole or in part.
- 3. The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice. 2017, c. 23, Sched. 3, s. 10 (16).

#### **Action of L.G. in C.**

(29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine. 2004, c. 18, s. 6 (3); 2017, c. 23, Sched. 5, s. 93 (8).

#### **Coming into force**

(30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed under subsection ~~(26) (26.2) or (26.8) or amended under subsection (26.8)~~ or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed. 1996, c. 4, s. 20 (13); 2004, c. 18, s. 6 (4); 2017, c. 23, Sched. 3, s. 10 (17).

#### **Unappealed portions**

(31) Despite subsection (30), before all of the appeals have been finally disposed of, the Tribunal may make an order providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed. 1993, c. 26, s. 53 (5); 2017, c. 23, Sched. 5, s. 80.

#### **Method**

(32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body. 1993, c. 26, s. 53 (5); 1996, c. 4, s. 20 (14); 2006, c. 23, s. 15 (18); 2017, c. 23, Sched. 5, s. 80.

#### **Notice and hearing**

(33) The Tribunal may,

- (a) dispense with giving notice of a motion under subsection (32) or require the giving of such notice of the motion as it considers appropriate; and
- (b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (9).

#### **Notice**

(34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made. 2017, c. 23, Sched. 5, s. 93 (9).

#### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 53 (3, 5) - 02/12/1993; 1994, c. 23, s. 21 (1-5, 7-11, 13, 14) - 28/03/1995; 1996, c. 4, s. 20 (1-14) - 22/05/1996; 1999, c. 12, Sched. M, s. 25 (1, 2) - 22/12/1999

2000, c. 26, Sched. K, s. 5 (2) - 06/12/2000

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2002, c. 17, Sched. B, s. 10 - 01/01/2003

2004, c. 18, s. 6 (1, 3, 4) - 30/11/2004; 2004, c. 18, s. 6 (2) - 15/12/2003

2006, c. 22, s. 115 - 03/07/2007; 2006, c. 23, s. 15 (1-18) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (5) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (1-5) - 15/12/2009

2011, c. 6, Sched. 2, s. 5 - 01/01/2012

2015, c. 26, s. 26 (1-13) - 01/07/2016

2016, c. 25, Sched. 4, s. 3 (1, 2, 4, 5) - 12/04/2018; 2016, c. 25, Sched. 4, s. 3 (3) - 08/12/2016

2017, c. 23, Sched. 3, s. 10 (1-16) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 82, 93 (1-9) - 03/04/2018

2018, c. 16, s. 8 (6) - not in force

### **No distinction on the basis of relationship**

**35 (1) REPEALED:** 1996, c. 4, s. 21 (1).

### **No distinction on the basis of relationship**

(2) The authority to pass a by-law under section 34, subsection 38 (1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit. 1994, c. 2, s. 43.

### **Provision of no effect**

(3) A provision in a by-law passed under section 34, subsection 38 (1) or section 41 or in an order made under subsection 47 (1) is of no effect to the extent that it contravenes the restrictions described in subsection (2). 1994, c. 2, s. 43; 1996, c. 4, s. 21 (2).

(4) REPEALED: 1996, c. 4, s. 21 (3).

### **Section Amendments with date in force (d/m/y)**

1994, c. 2, s. 43 - 14/07/1994; 1996, c. 4, s. 21 (1-3) - 16/11/1995

### **By-laws to give effect to second unit policies**

**35.1 (1)** The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

### **Regulations**

(2) The Minister may make regulations,

(a) authorizing the use of residential units referred to in subsection 16 (3);

(b) establishing requirements and standards with respect to residential units referred to in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

### **Regulation applies as zoning by-law**

(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34. 2011, c. 6, Sched. 2, s. 6.

### **Regulation prevails**

(4) A regulation under subsection (2) prevails over a by-law passed under section 34 to the extent of any inconsistency, unless the regulation provides otherwise. 2011, c. 6, Sched. 2, s. 6.

### **Exception**

(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation. 2011, c. 6, Sched. 2, s. 6.

### **Regulation may be general or particular**

(6) A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation. 2011, c. 6, Sched. 2, s. 6.

### **Section Amendments with date in force (d/m/y)**

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

**By-laws to give effect to inclusionary zoning policies**

**35.2** (1) If the official plan in effect in a local municipality contains policies described in subsection 16 (4),

- (a) the council of the municipality shall pass one or more by-laws under section 34 to give effect to the policies, if the municipality is prescribed for the purpose of subsection 16 (4);
- (b) the council of the municipality may pass one or more by-laws under section 34 to give effect to the policies, if the municipality is not prescribed for the purpose of subsection 16 (4). 2016, c. 25, Sched. 4, s. 4.

**Content of by-law**

(2) If a by-law is passed under section 34 to give effect to policies described in subsection 16 (4), the by-law,

- (a) shall require that the development or redevelopment of specified lands, buildings or structures include,
  - (i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the by-law, or
  - (ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the by-law;
- (b) shall require that the affordable housing units be maintained as affordable housing units for the period of time determined under the regulations or, in the absence of such regulations, for the period of time determined under the by-law;
- (c) shall require that the affordable housing units meet the requirements and standards specified in the regulations or, in the absence of such regulations, that the affordable housing units meet requirements and standards specified in the by-law;
- (d) in addition to requiring that the affordable housing units meet the requirements and standards specified in the regulations, may require that the affordable housing units meet additional requirements and standards specified in the by-law;
- (e) shall provide for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4) or, in the absence of such regulations, may provide for measures and incentives to support those policies;
- (f) in addition to providing for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4), may provide for additional measures and incentives to support those policies;
- (g) shall require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the regulations or, in the absence of such regulations, may require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the by-law;
- (h) shall include the prescribed provisions and provisions about the prescribed matters; and
- (i) shall require that the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality, dealing with the matters mentioned in clauses (a) to (h) and ensuring continued compliance with those matters. 2016, c. 25, Sched. 4, s. 4.

**Procedure to ensure affordability maintained**

(3) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time. 2016, c. 25, Sched. 4, s. 4.

**Same**

(4) The procedure required under subsection (3) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 4.

**Restrictions on authority**

(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units.

### **Restrictions on authority**

~~(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4),~~

- ~~—(a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units; and~~
- ~~—(b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the by-law requirement for affordable housing units. 2016, c. 25, Sched. 4, s. 4.~~

### **No authority for payment in lieu**

(6) For greater certainty, if a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units. 2016, c. 25, Sched. 4, s. 4.

### **Registration of agreements**

(7) An agreement entered into under clause (2) (i) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2016, c. 25, Sched. 4, s. 4.

### **Application of *Municipal Act, 2001* or *City of Toronto Act, 2006***

(8) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the case may be, applies to the requirements imposed by an agreement entered into under clause (2) (i). 2016, c. 25, Sched. 4, s. 4.

### **Reports and information**

(9) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall provide the prescribed reports and information concerning affordable housing units in the municipality to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. 2016, c. 25, Sched. 4, s. 4.

### **Section Amendments with date in force (d/m/y)**

2016, c. 25, Sched. 4, s. 4 - 12/04/2018

### **Holding provision by-law**

**36** (1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. R.S.O. 1990, c. P.13, s. 36 (1).

### **Condition**

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1). R.S.O. 1990, c. P.13, s. 36 (2).

### **Appeal to L.P.A.T.**

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 90 ~~150~~ days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order. 2017, c. 23, Sched. 3, s. 11 (1).

### **Matters of provincial interest**

(3.1) Where an appeal is made to the Tribunal under subsection (3), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,

- (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and
- (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 5, s. 94.

### **No hearing or notice required**

(3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1). 2004, c. 18, s. 7 (2).

### **No order to be made**

(3.3) If the Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice. 2017, c. 23, Sched. 5, s. 94.

### **Action of L.G. in C.**

(3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine. 2017, c. 23, Sched. 5, s. 94.

### **Application of subss. 34 (10.7, 10.9-20.4, 22-34)**

(4) Subsections ~~34 (10.7) and (10.9) to (25.1)~~~~34 (10.7), (10.9) to (20.4) and (22) to (34)~~ do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law. R.S.O. 1990, c. P.13, s. 36 (4); 1994, c. 23, s. 22 (2); 1996, c. 4, s. 22; 2009, c. 33, Sched. 21, s. 10 (6); 2017, c. 23, Sched. 3, s. 11 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 22 (1, 2) - 28/03/1995; 1996, c. 4, s. 22 - 22/05/1996

2004, c. 18, s. 7 (1, 2) - 30/11/2004

2009, c. 33, Sched. 21, s. 10 (6) - 15/12/2009

2017, c. 23, Sched. 3, s. 11 (1, 2) - 03/04/2018; 2017, c. 23, Sched. 5, s. 94 - 03/04/2018

### **Community benefits charges**

#### **Definitions**

37. (1) In this section,

“specified date” means the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act; (“date précisée”)

“valuation date” means, with respect to land that is the subject of development or redevelopment,

(a) the day before the day the building permit is issued in respect of the development or redevelopment, or

(b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. (“date d’évaluation”)

#### **Community benefits charge by-law**

(2) The council of a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.

#### **What charge can be imposed for**

(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;

(b) the approval of a minor variance under section 45;

(c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;

(d) the approval of a plan of subdivision under section 51;

(e) a consent under section 53;

(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

#### **Excluded development or redevelopment**

(4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed.

#### **Excluded facilities, services and matters**

(5) A community benefits charge may not be imposed with respect to the following:

1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997*.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



2. Such other facilities, services or matters as are prescribed.

#### **In-kind contributions**

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

#### **Notice of value of in-kind contributions**

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

#### **Deduction of value of in-kind contributions**

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

#### **Community benefits charge strategy**

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

- (a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- (b) complies with any prescribed requirements.

#### **Consultation**

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

#### **Limitation**

(11) Only one community benefits charge by-law passed by the council of a given municipality may be in effect at a time.

#### **Maximum amount of community benefits charge**

(12) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

#### **Payment under protest and appraisal provided by owner**

(13) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (12), the owner shall,

- (a) pay the charge under protest; and
- (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

#### **No appraisal under cl. (13) (b)**

(14) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (13) (b), the payment is deemed not to have been made under protest.

#### **Appraisal provided by the municipality**

(15) If the municipality disputes the value of the land identified in the appraisal referred to in clause (13) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.

#### **No appraisal under subs. (15)**

(16) If the municipality does not provide an appraisal in accordance with subsection (15), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b).

#### **Appraisal under subs. (15) within 5%**

(17) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b) or subsection (15), whichever identifies the higher value of the land.

#### **Appraisal under subs. (15) not within 5%**

(18) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (22) prepare an appraisal of the value of the land as of the valuation date.

### **Time period for appraisal referred to in subs. (18)**

(19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period.

### **Appraisal under subs. (18)**

(20) If an appraisal is prepared in accordance with subsection (18), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in subsection (18).

### **Non-application of subs. (16), (17) and (20)**

(21) For greater certainty, a refund is not required under subsection (16), (17) or (20) if the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the applicable appraisal is greater than the amount of the community benefits charge imposed by the municipality.

### **List of appraisers**

(22) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,

(a) are not employees of the municipality or members of its council; and

(b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18).

### **Same**

(23) A municipality shall maintain the list referred to in subsection (22) until the later of,

(a) the day on which the community benefits charge by-law is repealed; and

(b) the day on which there is no longer any refund that is or could be required to be made under subsection (20).

### **No building without payment**

(24) No person shall construct a building on the land proposed for development or redevelopment unless,

(a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and

(b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.

### **Special account**

(25) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

### **Investments**

(26) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.

### **Requirement to spend or allocate monies in special account**

(27) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

### **Reports and information**

(28) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

### **Application of subs. (30)**

(29) Subsection (30) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.

2. A reserve fund established in accordance with section 33 of the *Development Charges Act, 1997* before the day section 2 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force in respect of any of the services described in subsection 9.1 (3) of the *Development Charges Act, 1997*.

### **Transition respecting special account and reserve fund described in subs. (29)**

(30) The following rules apply with respect to a special account or reserve fund described in subsection (29):

1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (25).

2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.

3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.

4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (25).

#### **Credit under s. 38 of *Development Charges Act, 1997***

(31) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any of the services described in subsection 9.1 (3) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.

#### **Transitional matters respecting repealed s. 37, etc.**

##### **Definitions**

37.1 (1) In this section,

“by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”)

“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force. (“date d’effet”)

##### **Continued application of repealed subss. 37 (1) to (5)**

(2) Despite their repeal by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.

2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).

##### **By-law described in repealed subs. 37 (1)**

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.

2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).

3. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the lands that are the subject of the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the lands on the day before the applicable date described in subsection (5) of this section, regardless of whether the development charge by-law has expired or been repealed.

4. For the purposes of paragraph 3, the following rules apply:

- i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection (5).
- ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 3 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.

5. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.

6. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is subject to any by-law under section 42, as it read on the day before the day subsection 12 (3) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, that applied to the lands on the day before the effective date, regardless of whether the by-law has been repealed.

7. For the purposes of paragraph 6, the reference to a by-law under section 42 is a reference to the by-law, as it read on the day before the effective date.

### **Non-application of subs. (3)**

(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,

- (a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or
- (b) is repealed.

### **Applicable date**

(5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of,

- (a) the day the municipality passes a by-law under section 37; and
- (b) the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act.

### **Increased density, etc., provision by-law**

~~37 (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.~~

### **Condition**

~~(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.~~

### **Agreements**

~~(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.~~

### **Registration of agreement**

~~(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.~~

### **Special account**

~~(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27.~~

### **Investments**

~~(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27.~~

### **Treasurer's statement**

~~(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27.~~

### **Requirements**

~~(8) The statement shall include, for the preceding year,~~

~~— (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;~~

~~— (b) statements identifying,~~

~~— (i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,~~

~~— (ii) details of the amounts spent, and~~

~~— (iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and~~

~~— (c) any other information that is prescribed. 2015, c. 26, s. 27.~~

### **Copy to Minister**

~~(9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27.~~

### **Statement available to public**

~~(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.~~

### **Section Amendments with date in force (d/m/y)**

~~2015, c. 26, s. 27 — 01/07/2016~~

### **Interim control by-law**

**38** (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

### **Extension of period by-law in effect**

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law. R.S.O. 1990, c. P.13, s. 38 (1, 2).

### **Notice of passing of by-law**

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof. R.S.O. 1990, c. P.13, s. 38 (3); 1994, c. 23, s. 23 (1).

### **Appeal to L.P.A.T. re by-law passed under subs. (1)**

(4) The Minister may, within 60 days after the date of the passing of a by-law under subsection (1), appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection. 2017, c. 23, Sched. 3, s. 12 (1).

### **Appeal to L.P.A.T. re by-law passed under subs. (2)**

(4.1) Any person or public body who was given notice of the passing of a by-law under subsection (2) may, within 60 days after the date of the passing of the by-law, appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection. 2017, c. 23, Sched. 3, s. 12 (1).

### **Application**

(5) If a notice of appeal is filed under subsection (4) or (4.1), ~~subsections 34 (23) to (26) apply subsections 34 (23) to (26), as they read on the day before subsection 12 (2) of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply~~ with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2).

### **When prior zoning by-law again has effect**

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law. R.S.O. 1990, c. P.13, s. 38 (6).

### **Where by-law appealed**

(6.1) If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34 (19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed. 2017, c. 23, Sched. 5, s. 95.

### **Prohibition**

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

### **Application of s. 34 (9)**

(8) Subsection 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2). R.S.O. 1990, c. P.13, s. 38 (7, 8).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 23 (1-3) - 28/03/1995; 1996, c. 4, s. 23 - 22/05/1996

2017, c. 23, Sched. 3, s. 12 (1, 2) - 03/04/2018; 2017, c. 23, Sched. 5, s. 95 - 03/04/2018

### **Temporary use provisions**

**39** (1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1).

(1.1), (1.2) REPEALED: 2002, c. 17, Sched. B, s. 11 (1).

### **Area and time in effect**

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. 2002, c. 17, Sched. B, s. 11 (2).

### **Extension**

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized. R.S.O. 1990, c. P.13, s. 39 (3).



### **Non-application of cl. 34 (9) (a)**

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized. R.S.O. 1990, c. P.13, s. 39 (4).

### **Section Amendments with date in force (d/m/y)**

1994, c. 2, s. 44 (2) - 14/07/1994

2002, c. 17, Sched. B, s. 11 (1, 2) - 01/01/2003

### **Garden suites**

**39.1** (1) As a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including,

- (a) the installation, maintenance and removal of the garden suite;
- (b) the period of occupancy of the garden suite by any of the persons named in the agreement; and
- (c) the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite. 2002, c. 17, Sched. B, s. 12; 2009, c. 33, Sched. 21, s. 10 (7).

### **Definition**

(2) In this section,

“garden suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. 2002, c. 17, Sched. B, s. 12.

### **Area and time in effect**

(3) Despite subsection 39 (2), a by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 20 years from the day of the passing of the by-law. 2011, c. 6, Sched. 2, s. 7.

### **Extension**

(4) Despite subsection (3), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized. 2002, c. 17, Sched. B, s. 12.

### **Non-application**

(5) Upon the expiry of the period or periods of time mentioned in subsections (3) and (4), clause 34 (9) (a) does not apply so as to permit the continued use of the garden suite. 2002, c. 17, Sched. B, s. 12.

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 12 - 01/01/2003

2009, c. 33, Sched. 21, s. 10 (7, 8) - 15/12/2009

2011, c. 6, Sched. 2, s. 7 - 04/05/2011

### **Agreement exempting owner from requirement to provide parking**

**40** (1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities. R.S.O. 1990, c. P.13, s. 40 (1).

### **Payment of money**

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated. R.S.O. 1990, c. P.13, s. 40 (2).

### **Special account**

(3) All money received by a municipality under an agreement entered into under this section shall be paid into a special account and,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (a) the money in that account shall be applied for the same purposes as a reserve fund established under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be;
- (b) the money in that account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be;
- (c) earnings derived from the investment of the money in the special account shall be paid into that account; and
- (d) the auditor of the municipality, in the auditor's annual report, shall report on the activities and position of the account. 2002, c. 17, Sched. B, s. 13 (1); 2006, c. 32, Sched. C, s. 47 (6).

#### **Registration of agreement**

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies and, when so registered, any money payable to the municipality under the agreement that has become due for payment shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. B, s. 13 (2); 2006, c. 32, Sched. C, s. 47 (7).

#### **Certificate**

(5) When all money payable to the municipality under an agreement registered under subsection (4) has been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registrable in the proper land registry office, certifying that the money has been paid or that the agreement has been terminated. R.S.O. 1990, c. P.13, s. 40 (5).

#### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 13 (1, 2) - 01/01/2003

2006, c. 32, Sched. C, s. 47 (6, 7) - 01/01/2007

#### **Site plan control area**

**41** (1) In this section,

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

#### **Exception**

(1.1) The definition of “development” in subsection (1) does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007. 2006, c. 23, s. 16 (1).

#### **Establishment of site plan control area**

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area. R.S.O. 1990, c. P.13, s. 41 (2).

#### **Designation of site plan control area**

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. R.S.O. 1990, c. P.13, s. 41 (3).

#### **Consultation**

(3.1) The council,

- (a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and
- (b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 16 (2).

### **Approval of plans or drawings**

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Tribunal has approved one or both, as the council may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
  - (a) the massing and conceptual design of the proposed building;
  - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
  - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
  - (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;
  - (d.1) matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design, if the municipal by-law passed under subsection (2) and the official plan to which the by-law gives effect both include provisions relating to policies described in subsection 16 (4) and both include requirements or standards for exterior access to buildings that will contain affordable housing units;
  - (e) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality; and
  - (f) facilities designed to have regard for accessibility for persons with disabilities. R.S.O. 1990, c. P.13, s. 41 (4); 2002, c. 9, s. 56 (1); 2006, c. 23, s. 16 (3, 4); 2009, c. 33, Sched. 21, s. 10 (9); 2016, c. 25, Sched. 4, s. 5; 2017, c. 23, Sched. 5, s. 80.

### **Exclusions from site plan control**

(4.1) The following matters relating to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:

1. Interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).
3. The manner of construction and standards for construction. 2006, c. 23, s. 16 (5).

### **Dispute about scope of site plan control**

(4.2) The owner of land or the municipality may make a motion for directions to have the Tribunal determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control. 2017, c. 23, Sched. 5, s. 96.

### **Final determination**

(4.3) The Tribunal's determination under subsection (4.2) is not subject to appeal or review. 2006, c. 23, s. 16 (5); 2017, c. 23, Sched. 5, s. 80.

### **Drawings for residential buildings**

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required. R.S.O. 1990, c. P.13, s. 41 (5).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Proviso**

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land. R.S.O. 1990, c. P.13, s. 41 (6).

## **Conditions to approval of plans**

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
  - 1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
  - 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
  - 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
  - 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
  - 4.1 Facilities designed to have regard for accessibility for persons with disabilities.
  - 5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  - 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  - 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
  - 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);
- (c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);
- (d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7).

## **Where area is in upper-tier municipality**

(8) If an area designated under subsection (2) is within an upper-tier municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:
  - (i) subject to subsection (9), widenings of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land,
  - (ii) subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs,

- (iii) where the land abuts a highway under the jurisdiction of the upper-tier municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,
  - (iv) where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,
  - (v) where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities designed to have regard for accessibility for persons with disabilities;
- (b) enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;
  - (c) subject to subsection (9.1), convey part of the land to the upper-tier municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. 2002, c. 17, Sched. B, s. 14 (2); 2006, c. 23, s. 16 (8).

#### **Widening must be described in official plan**

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. R.S.O. 1990, c. P.13, s. 41 (9).

#### **Limitation**

(9.1) An owner of land may not be required to convey land under clause (7) (d) or (8) (c) unless the public transit right of way to be provided is shown on or described in an official plan. 1994, c. 23, s. 24 (3); 1996, c. 4, s. 24 (3).

#### **Registration of agreements**

(10) Any agreement entered into under clause (7) (c) or (c.1) or under clause (8) (b) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 41 (10); 2002, c. 17, Sched. B, s. 14 (3); 2006, c. 23, s. 16 (9).

#### **Application of *Municipal Act, 2001* or *City of Toronto Act, 2006***

(11) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the case may be, applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c) or (c.1). R.S.O. 1990, c. P.13, s. 41 (11); 2002, c. 17, Sched. B, s. 14 (4); 2006, c. 23, s. 16 (10); 2006, c. 32, Sched. C, s. 47 (9).

#### **Appeal to L.P.A.T. re approval of plans or drawings**

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality, the owner may appeal the failure to approve the plans or drawings to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 2017, c. 23, Sched. 3, s. 13 (1).

#### **Appeal to L.P.A.T. re requirement under subs. (7) or (8)**

(12.0.1) If the owner of the land is not satisfied with any requirement made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner may appeal the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 2017, c. 23, Sched. 3, s. 13 (1).

#### **Record**

(12.0.2) If the clerk receives a notice of appeal under subsection (12) or (12.0.1), the clerk shall ensure that the following are forwarded to the Tribunal within 15 days after the notice is filed:

1. The notice of appeal.
2. The fee.
3. The plans and drawings submitted for approval under subsection (4).

4. In the case of an appeal under subsection (12.0.1), documents that set out the requirements made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8), as the case may be. 2017, c. 23, Sched. 3, s. 13 (1).

### **Hearing**

(12.1) The Tribunal shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required. 2002, c. 17, Sched. B, s. 14 (5); 2017, c. 23, Sched. 3, s. 13 (2).

### **Classes of development, delegation**

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). R.S.O. 1990, c. P.13, s. 41 (13).

### **Proviso**

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day. R.S.O. 1990, c. P.13, s. 41 (14).

### **Certain agreements declared valid and binding**

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding. R.S.O. 1990, c. P.13, s. 41 (15).

### **City of Toronto**

(16) This section does not apply to the City of Toronto. 2017, c. 23, Sched. 3, s. 13 (3).

### **Section Amendments with date in force (d/m/y)**

1994, c. 4, s. 14 - 23/06/1994; 1994, c. 23, s. 24 (3) - 28/03/1995; 1996, c. 4, s. 24 (1-3) - 22/05/1996

2002, c. 9, s. 56 (1, 2) - 01/07/2005; 2002, c. 17, Sched. B, s. 14 (1-5) - 01/01/2003

2006, c. 23, s. 16 (1-11) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (8, 9) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (9) - 15/12/2009

2016, c. 25, Sched. 4, s. 5 - 12/04/2018

2017, c. 23, Sched. 3, s. 13 (1-3) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 96 - 03/04/2018

### **Conveyance of land for park purposes**

#### **Definitions**

~~42 (0.1) In this section,~~

~~“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)~~

~~“effective date” means the day subsection 28 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force. (“date d’effet”) 2015, c. 26, s. 28 (1).~~

#### **Conveyance**

(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes. R.S.O. 1990, c. P.13, s. 42 (1).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



(2) REPEALED: 2015, c. 26, s. 28 (2).

#### **Community benefits charge by-law**

(2) Subject to paragraph 6 of subsection 37.1 (3), a by-law under subsection (1) is of no force and effect if a community benefits charge by-law under section 37 passed by the council of the local municipality is in force.

#### **Alternative requirement**

~~(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).~~

#### **Official plan requirement**

~~(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement. R.S.O. 1990, c. P.13, s. 42 (4).~~

#### **Parks plan**

~~(4.1) Before adopting the official plan policies described in subsection (4), the local municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality. 2015, c. 26, s. 28 (3).~~

#### **Same**

~~(4.2) In preparing the parks plan, the municipality,~~

~~— (a) shall consult with every school board that has jurisdiction in the municipality; and~~

~~— (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 28 (3).~~

#### **Same**

~~(4.3) For greater certainty, subsection (4.1) and clause (4.2) (a) do not apply with respect to official plan policies adopted before the effective date. 2015, c. 26, s. 28 (3).~~

#### **Use and sale of land**

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time. R.S.O. 1990, c. P.13, s. 42 (5).

#### **Payment in lieu**

(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 28 (4).

#### **Same**

~~(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4).~~

#### **Deemed amendment of by-law**

~~(6.0.2) If a by-law passed under this section requires a payment in lieu that exceeds the amount calculated under subsection (6.0.1), in circumstances where the alternative requirement set out in subsection (3) applies, the by-law is deemed to be amended to be consistent with subsection (6.0.1). 2015, c. 26, s. 28 (4).~~

#### **Transition**

~~(6.0.3) If, on or before the effective date, in circumstances where the alternative requirement set out in subsection (3) applies, a payment in lieu has been made or arrangements for a payment in lieu that are satisfactory to the council have been made, subsections (6.0.1) and (6.0.2) do not apply. 2015, c. 26, s. 28 (4).~~

#### **No building without payment**

(6.1) If a payment is required under subsection (6) ~~or (6.0.1)~~, no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5).

### **Redevelopment, reduction of payment**

(6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) ~~or (6.0.1)~~ by the value of that part. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6).

### **Same**

(6.3) The conditions mentioned in subsection (6.2) are:

1. The official plan contains policies relating to the reduction of payments required under subsection (6) ~~or (6.0.1)~~.
2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7).

### **Determination of value**

(6.4) For the purposes of subsections (6), ~~(6.0.1)~~ and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8).

### **Where land conveyed**

(7) If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality or is owing to it under this section or a condition imposed under section 51.1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless,

- (a) there is a change in the proposed development or redevelopment which would increase the density of development; or
- (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes. 1994, c. 23, s. 25; 2015, c. 26, s. 28 (9).

### **Non-application**

(8) Despite clauses 74.1 (2) (h) and (i), subsection (7) does not apply to land proposed for development or redevelopment if, before this subsection comes into force, the land was subject to a condition that land be conveyed to a municipality for park or other public purposes or that a payment of money in lieu of such conveyance be made under this section or under section 51 or 53. 1994, c. 23, s. 25.

### **Changes**

(9) If there is a change under clause (7) (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made. 1994, c. 23, s. 25.

### **Disputes**

(10) In the event of a dispute between a municipality and an owner of land on the value of land determined under subsection (6.4), either party may apply to the Tribunal to have the value determined and the Tribunal shall, in accordance as nearly as may be with the *Expropriations Act*, determine the value of the land and, if a payment has been made under protest under subsection (12), the Tribunal may order that a refund be made to the owner. 2017, c. 23, Sched. 5, s. 97 (1).

### **Same**

(11) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money that may be required under subsection (9), either party may apply to the Tribunal and the Tribunal shall make a final determination of the matter. 2017, c. 23, Sched. 5, s. 97 (1).

### **Payment under protest**

(12) If there is a dispute between a municipality and the owner of land under subsection (10), the owner may pay the amount required by the municipality under protest and shall make an application to the Tribunal under subsection (10) within 30 days of the payment of the amount. 1994, c. 23, s. 25; 2017, c. 23, Sched. 5, s. 97 (2).

## Notice

(13) If an owner of land makes a payment under protest and an application to the Tribunal under subsection (12), the owner shall give notice of the application to the municipality within 15 days after the application is made. 1994, c. 23, s. 25; 2017, c. 23, Sched. 5, s. 97 (3).

## Park purposes

(14) The council of a municipality may include in its estimates an amount to be used for the acquisition of land to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (15) that amount, and any person may pay any sum into the same fund. 1994, c. 23, s. 25.

## Special account

(15) All money received by the municipality under subsections (6), ~~(6.0.1)~~ and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes. 1994, c. 23, s. 25; 2009, c. 33, Sched. 21, s. 10 (10); 2015, c. 26, s. 28 (10).

## Investments

(16) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 1994, c. 23, s. 25; 1996, c. 32, s. 82 (5); 2002, c. 17, Sched. B, s. 15; 2006, c. 32, Sched. C, s. 47 (10).

## Reports and information

~~(17) A council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.~~

## Treasurer's statement

~~(17) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 28 (11).~~

## Requirements

~~(18) The statement shall include, for the preceding year,~~

- ~~— (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;~~
- ~~— (b) statements identifying,~~
  - ~~— (i) any land or machinery acquired during the year with funds from the special account,~~
  - ~~— (ii) any building erected, improved or repaired during the year with funds from the special account,~~
  - ~~— (iii) details of the amounts spent, and~~
  - ~~— (iv) for each asset mentioned in subclauses (i) and (ii), the manner in which any capital cost not funded from the special account was or will be funded; and~~
- ~~— (c) any other information that is prescribed. 2015, c. 26, s. 28 (11).~~

## Copy to Minister

~~(19) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 28 (11).~~

## Statement available to public

~~(20) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 28 (11).~~

## Section Amendments with date in force (d/m/y)

1994, c. 23, s. 25 - 28/03/1995; 1996, c. 32, s. 82 (5) - 06/03/1997

2002, c. 17, Sched. B, s. 15 - 01/01/2003

2006, c. 23, s. 17 (1, 2) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (10) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (10) - 15/12/2009

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2015, c. 26, s. 28 (1-11) - 01/07/2016

2017, c. 23, Sched. 5, s. 97 (1-3) - 03/04/2018

#### **Application of subs. 34 (12-34)**

**43** (1) Subsections 34 (12) to (34) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed. R.S.O. 1990, c. P.13, s. 43 (1); 1993, c. 26, s. 55.

#### **Effect of amendment that conforms with subs. (1)**

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 47 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1). R.S.O. 1990, c. P.13, s. 43 (2).

#### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 55 - 02/12/1993

#### **Committee of adjustment**

**44** (1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1).

#### **Copy of by-law to Minister**

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof. R.S.O. 1990, c. P.13, s. 44 (2).

#### **Term of office**

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually. R.S.O. 1990, c. P.13, s. 44 (3).

#### **Idem**

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his or her term, the council shall appoint another eligible person for the unexpired portion of the term. R.S.O. 1990, c. P.13, s. 44 (4).

#### **Quorum**

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. R.S.O. 1990, c. P.13, s. 44 (5).

#### **Vacancy not to impair powers**

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. R.S.O. 1990, c. P.13, s. 44 (6).

#### **Chair**

(7) The members of the committee shall elect one of themselves as chair, and, when the chair is absent through illness or otherwise, the committee may appoint another member to act as acting chair. R.S.O. 1990, c. P.13, s. 44 (7).

#### **Secretary-treasurer, employees**

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose. R.S.O. 1990, c. P.13, s. 44 (8).

## **Remuneration**

(9) The members of the committee shall be paid such compensation as the council may provide. R.S.O. 1990, c. P.13, s. 44 (9).

## **Filing of documents, etc.**

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to such documents. R.S.O. 1990, c. P.13, s. 44 (10); 2002, c. 17, Sched. B, s. 16; 2006, c. 32, Sched. C, s. 47 (11).

## **Rules of procedure**

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. R.S.O. 1990, c. P.13, s. 44 (11).

## **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 16 - 01/01/2003

2006, c. 32, Sched. C, s. 47 (11) - 01/01/2007

## **Powers of committee**

**45** (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

## **Criteria**

(1.0.1) The committee of adjustment shall authorize a minor variance under subsection (1) only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with,

- (a) the prescribed criteria, if any; and
- (b) the criteria established by the local municipality by by-law, if any. 2015, c. 26, s. 29 (1).

## **Same**

(1.0.2) For the purposes of subsection (1.0.1), criteria that were not in force on the day the owner made the application do not apply. 2015, c. 26, s. 29 (1).

## **Criteria by-law**

(1.0.3) The council of a local municipality may, by by-law, establish criteria for the purposes of clause (1.0.1) (b) and the following provisions, ~~as they read on the day before section 14 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,~~ apply, with necessary modifications, in respect of the by-law:

1. Clause 34 (12) (a).
2. Subsections 34 (13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26). 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 3, s. 14.

## **Coming into force**

(1.0.4) A by-law under subsection (1.0.3) comes into force,

- (a) if no notice of appeal is filed in respect of the by-law and the time for filing appeals has expired, on the day after the last day of the time for filing appeals;
- (b) if all appeals in respect of the by-law are withdrawn and the time for filing appeals has expired, on the day after the last day on which an appeal was withdrawn;
- (c) if the Tribunal dismisses all appeals and the time for filing appeals has expired, on the day after the last day on which an appeal was dismissed;
- (d) if the Tribunal allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Tribunal makes a decision disposing of the appeal; or

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (e) if the Tribunal allows an appeal in respect of the by-law and directs the municipality to amend the by-law, on the day after the day the municipality passes the amending by-law. 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 5, ss. 80, 98 (1).

#### **Restriction**

(1.1) Subsection (1) does not allow the committee to authorize a minor variance from conditions imposed under subsection 34 (16) of this Act or under subsection 113 (2) of the *City of Toronto Act, 2006*. 2006, c. 23, s. 18 (2).

#### **Same**

(1.1.1) Subsection (1) does not allow the committee to authorize a minor variance from those provisions of a by-law that give effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 6.

#### **When subs. (1.3) applies**

(1.2) Subsection (1.3) applies when a by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law, or in response to an application by a person authorized in writing by the owner. 2015, c. 26, s. 29 (2).

#### **Two-year period, no application for minor variance**

(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

#### **Exception**

(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

#### **Other powers**

- (2) In addition to its powers under subsection (1), the committee, upon any such application,
- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
    - (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
    - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or
  - (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

#### **Power of committee to grant minor variances**

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modifications. R.S.O. 1990, c. P.13, s. 45 (3).

#### **Time for hearing**

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer. R.S.O. 1990, c. P.13, s. 45 (4).

#### **Notice of hearing**

(5) The committee, before hearing an application, shall in the manner and to the persons and public bodies and containing the information prescribed, give notice of the application. R.S.O. 1990, c. P.13, s. 45 (5); 1994, c. 23, s. 26 (1).



### **Hearing**

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6).

### **Oaths**

(7) The chair, or in his or her absence the acting chair, may administer oaths. R.S.O. 1990, c. P.13, s. 45 (7).

### **Decision**

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application. 2015, c. 26, s. 29 (3).

### **Same**

(8.1) The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall,

- (a) set out the reasons for the decision; and
- (b) contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision. 2015, c. 26, s. 29 (3).

### **Written and oral submissions**

(8.2) Clause (8.1) (b) applies to,

- (a) any written submissions relating to the application that were made to the committee before its decision; and
- (b) any oral submissions relating to the application that were made at a hearing. 2015, c. 26, s. 29 (3).

### **Conditions in decision**

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. R.S.O. 1990, c. P.13, s. 45 (9).

### **Agreement re terms and conditions**

(9.1) If the committee imposes terms and conditions under subsection (9), it may also require the owner of the land to enter into one or more agreements with the municipality dealing with some or all of the terms and conditions, and in that case the requirement shall be set out in the decision. 2006, c. 23, s. 18 (3).

### **Registration of agreement**

(9.2) An agreement entered into under subsection (9.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2006, c. 23, s. 18 (3).

### **Notice of decision**

(10) The secretary-treasurer shall not later than ten days from the making of the decision send one copy of the decision, certified by him or her,

- (a) to the Minister, if the Minister has notified the committee by registered mail that he or she wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Tribunal. R.S.O. 1990, c. P.13, s. 45 (10); 2017, c. 23, Sched. 5, s. 98 (2).

### **Additional material**

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he or she shall also send to the Minister such other information and material as may be prescribed. R.S.O. 1990, c. P.13, s. 45 (11).

### **Appeal to L.P.A.T.**

(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

### **Record**

(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Tribunal, by registered mail,

- (a) the notice of appeal;
- (b) the amount of the fee mentioned in subsection (12);
- (c) all documents filed with the committee relating to the matter appealed from;
- (d) such other documents as may be required by the Tribunal; and
- (e) any other prescribed information and material. 2017, c. 23, Sched. 5, s. 98 (3).

### **Exception**

(13.1) Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the Tribunal. 1999, c. 12, Sched. M, s. 26; 2017, c. 23, Sched. 5, s. 98 (4).

### **Decision final**

(13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 1999, c. 12, Sched. M, s. 26.

### **Where no appeal**

(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (14); 1994, c. 23, s. 26 (3).

### **Where appeals withdrawn**

(15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 2017, c. 23, Sched. 5, s. 98 (5).

### **Hearing**

(16) On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 98 (5).

### **Dismissal without hearing**

(17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if,

### **Dismissal without hearing**

~~(17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if,~~

- (a) it is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5).

### **Representation**

(17.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d). 2000, c. 26, Sched. K, s. 5 (3); 2017, c. 23, Sched. 5, s. 80.

### **Dismissal**

(17.2) The Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate. 2017, c. 23, Sched. 5, s. 98 (5).

### **Powers of L.P.A.T.**

(18) The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application. R.S.O. 1990, c. P.13, s. 45 (18); 2017, c. 23, Sched. 5, s. 80.

### **Amended application**

(18.1) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7); 2017, c. 23, Sched. 5, s. 80.

### **Exception**

(18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor. 2017, c. 23, Sched. 5, s. 98 (5).

### **Notice of intent**

(18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (8); 2017, c. 23, Sched. 5, s. 98 (6).

### **Order**

(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Tribunal may issue its order. 1993, c. 26, s. 56; 2017, c. 23, Sched. 5, s. 98 (6).

### **Hearing**

(18.4) If a notice of intent is received, the Tribunal may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing. 1996, c. 4, s. 25 (2); 2017, c. 23, Sched. 5, s. 98 (6).

### **Notice of decision**

(19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. 2017, c. 23, Sched. 5, s. 98 (7).

### **Idem**

(20) The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (20); 2017, c. 23, Sched. 5, s. 98 (8).

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 56 - 02/12/1993; 1994, c. 23, s. 26 (1-8) - 28/03/1995; 1996, c. 4, s. 25 (1, 2) - 22/05/1996; 1999, c. 12, Sched. M, s. 26 - 22/12/1999

2000, c. 26, Sched. K, s. 5 (3) - 06/12/2000

2006, c. 23, s. 18 (1-5) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (11) - 01/01/2010

2015, c. 26, s. 29 (1-4) - 01/07/2016

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2016, c. 25, Sched. 4, s. 6 - 12/04/2018

2017, c. 23, Sched. 3, s. 14 - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 98 (1-8) - 03/04/2018

### **Mobile homes, land lease community homes**

**46** (1) In this section,

“land lease community home” means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home; (“maison de communauté de terrains à bail”)

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed; (“maison mobile”)

“parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a). (“parcelle de terrain”) R.S.O. 1990, c. P.13, s. 46 (1); 1994, c. 4, s. 15 (1).

#### **One mobile home per parcel of land**

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 47 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as defined in subsection (1), and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land. R.S.O. 1990, c. P.13, s. 46 (2).

#### **One land lease community home per parcel of land**

(2.1) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 47 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall construct or erect or locate or use or cause to be constructed, erected, located or used a land lease community home except on a parcel of land as defined in subsection (1), and in no case except as otherwise so authorized shall any person construct, erect, locate or use or cause to be constructed, erected, located or used more than one land lease community home on any such parcel of land. 1994, c. 4, s. 15 (2).

#### **Saving**

(3) This section does not apply to prevent the continued use in the same location of any mobile home that,

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977. R.S.O. 1990, c. P.13, s. 46 (3).

#### **Same**

(4) This section does not apply to prevent the continued use in the same location of any land lease community home that,

- (a) was constructed, erected or located and in use prior to the day the *Land Lease Statute Law Amendment Act, 1994* receives Royal Assent; or
- (b) was constructed, erected or located in accordance with a building permit issued prior to the day the *Land Lease Statute Law Amendment Act, 1994* receives Royal Assent. 1994, c. 4, s. 15 (3).

#### **Section Amendments with date in force (d/m/y)**

1994, c. 4, s. 15 (1-3) - 23/06/1994

#### **Power of Minister re zoning and subdivision control**

**47** (1) The Minister may by order,

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, 38 or 39, but subsections 34 (11) to (34) do not apply to the exercise of such powers; and
- (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4). R.S.O. 1990, c. P.13, s. 47 (1); 1994, c. 23, s. 27 (1).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Power of Minister to allow minor variances**

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers. R.S.O. 1990, c. P.13, s. 47 (2).

### **Order prevails over by-law in event of conflict**

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 38, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect. R.S.O. 1990, c. P.13, s. 47 (3).

### **Deemed by-law of municipality**

(4) The Minister may, in the order or by separate order, provide that all or part of an order made under clause (1) (a) and any amendments to it in respect of land in a municipality, the council of which has the powers conferred by section 34, shall be deemed for all purposes, except the purposes of section 24, to be and to always have been a by-law passed by the council of the municipality in which the land is situate. 2001, c. 9, Sched. J, s. 2 (1).

### **Notice**

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as the Minister considers proper. R.S.O. 1990, c. P.13, s. 47 (5); 2017, c. 23, Sched. 3, s. 15 (1).

### **Idem**

- (6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),
- (a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities; and
  - (b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production. R.S.O. 1990, c. P.13, s. 47 (6); 2002, c. 17, Sched. B, s. 17.

### **Registration**

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office. R.S.O. 1990, c. P.13, s. 47 (7).

### **Revocation or amendment**

(8) An amendment to any order made under subsection (1), or the revocation in whole or in part of such an order, may be initiated by the Minister or on request to the Minister by any person or public body. 2017, c. 23, Sched. 3, s. 15 (2).

### **Consolidated Hearings Act**

(8.0.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of a request under subsection (8) unless the Minister has referred the request to the Tribunal under subsection (10). 2017, c. 23, Sched. 3, s. 15 (2).

### **Information**

(8.1) A request under subsection (8) shall include the prescribed information and material and such other information or material as the Minister may require. 1993, c. 26, s. 57 (2).

### **Refusal to consider**

(8.2) The Minister may refuse to accept or further consider a request under subsection (8) until the prescribed information and material and the required fee are received. 1994, c. 23, s. 27 (3).

### **Action by Minister**

(9) If the Minister initiates an amendment or revocation of an order made under subsection (1) or receives a request to amend or revoke the order, the Minister shall give notice or cause to be given notice of the proposed amendment or revocation in such manner as the Minister considers proper and shall allow such period of time as he or she considers appropriate for the submission of representations in respect of the proposed amendment or revocation. 2017, c. 23, Sched. 3, s. 15 (3).

### **Referral of request under subs. (8)**

(10) The Minister may refer a request made under subsection (8) to the Tribunal. 2017, c. 23, Sched. 3, s. 15 (3).

(10.1) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

### **Hearing by Tribunal**

(11) If the Minister refers the request to the Tribunal, the Tribunal shall conduct a hearing. 2017, c. 23, Sched. 3, s. 15 (3).

### **Notice of hearing**

(12) Notice of the hearing shall be given in such manner and to such persons as the Tribunal may determine. 2017, c. 23, Sched. 3, s. 15 (3).

(12.1)-(12.3) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

### **Recommendation**

(13) At the conclusion of the hearing, the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the requested amendment or revocation, in whole or in part, make modifications and approve the requested amendment or revocation as modified or refuse the requested amendment or revocation, in whole or in part, and giving reasons for the recommendation. 2017, c. 23, Sched. 3, s. 15 (3).

(13.1)-(13.5) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

### **Notice of recommendation**

(14) A copy of the recommendation of the Tribunal shall be sent to each person who appeared at the hearing and made representations and to any person who in writing requests a copy of the recommendation. 2017, c. 23, Sched. 3, s. 15 (3).

### **Decision to amend or revoke**

(15) After considering representations received under subsection (9), if any, and the recommendation of the Tribunal under subsection (13), if there is one, the Minister may, by order, amend or revoke in whole or in part the order made under subsection (1). 2017, c. 23, Sched. 3, s. 15 (3).

### **Notice of decision**

(16) The Minister shall forward a copy of his or her decision to amend or revoke in whole or in part the order to the clerk of each municipality or secretary-treasurer of each planning board which is within the area covered by the amendment and any person who in writing requests a copy of the decision. 2017, c. 23, Sched. 3, s. 15 (3).

(17) REPEALED: 1994, c. 23, s. 27 (8).

### **Effect of land use order**

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 50 (4). R.S.O. 1990, c. P.13, s. 47 (18).

### **Deemed by-law**

(19) The Minister may, in the order or by separate order, provide that all or part of an order made under clause (1) (a) and any amendments to it in respect of land in the planning area of a planning board shall be deemed to be and to always have been a by-law passed under section 34 by the planning board in which the land is situate. 2001, c. 9, Sched. J, s. 2 (2).

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 57 (2) - 02/12/1993; 1994, c. 23, s. 27 (1-8) - 28/03/1995; 1996, c. 4, s. 26 (1-3) - 22/05/1996

2000, c. 26, Sched. K, s. 5 (4) - 06/12/2000

2001, c. 9, Sched. J, s. 2 (1, 2) - 29/06/2001

2002, c. 17, Sched. B, s. 17 - 01/01/2003

2006, c. 23, s. 19 (1-3) - 01/01/2007

2017, c. 23, Sched. 3, s. 15 (1-3) - 03/04/2018

### **Where licence, etc., not to issue**

**48** Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a utilities distributor or a public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



in contravention of section 46 or of an order made under section 47 or of a by-law passed by a planning board under section 34 or 38. R.S.O. 1990, c. P.13, s. 48; 1994, c. 23, s. 28; 2006, c. 23, s. 20.

**Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 28 - 28/03/1995

2006, c. 23, s. 20 - 01/01/2007

**Power of entry**

**49** (1) In this section,

“officer” means an officer who has been assigned the responsibility of enforcing section 46, orders of the Minister made under clause 47 (1) (a) or zoning by-laws passed under section 34.

**Entry and inspection**

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 46, an order of the Minister made under clause 47 (1) (a) or a by-law passed under section 34 or 38 is being contravened, the officer or any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring. R.S.O. 1990, c. P.13, s. 49 (1, 2).

**Where warrant required**

(3) Except under the authority of a search warrant issued under section 49.1, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. R.S.O. 1990, c. P.13, s. 49 (3); 1994, c. 2, s. 45 (1).

**Obstruction**

(4) No person shall obstruct or attempt to obstruct an officer or a person acting under the officer’s instructions in the exercise of a power under this section. 1994, c. 2, s. 45 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 2, s. 45 (1, 2) - 14/07/1994

**Search warrant**

**49.1** (1) A provincial judge or justice of the peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that,

- (a) an offence under section 67 has been committed; and
- (b) the entry and search will afford evidence relevant to the commission of the offence. 1994, c. 2, s. 46; 1997, c. 24, s. 226 (7).

**Seizure**

(2) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that, based on reasonable grounds, will afford evidence relevant to the commission of the offence.

**Receipt and removal**

- (3) Anyone who seizes something under a search warrant shall,
- (a) give a receipt for the thing seized to the person from whom it was seized; and
  - (b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law.

**Expiry**

(4) A search warrant shall name the date upon which it expires, which shall be not later than fifteen days after the warrant is issued.

**Time of execution**

(5) A search warrant shall be executed between 6 a.m. and 9 p.m. unless it provides otherwise.

### **Other matters**

(6) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of any thing seized under this section. 1994, c. 2, s. 46.

### **Section Amendments with date in force (d/m/y)**

1994, c. 2, s. 46 - 14/07/1994; 1997, c. 24, s. 226 (7) - 17/06/1998

## **PART VI SUBDIVISION OF LAND**

### **Interpretation**

**50** (1) In this section and in section 53,

“consent” means,

- (a) where land is situate in a lower-tier municipality, a consent given by the council of the upper-tier municipality,
- (b) where land is situate in a single-tier municipality that is not in a territorial district, a consent given by the council of the single-tier municipality,
- (c) where land is situate in a prescribed single-tier municipality that is in a territorial district, a consent given by the council of the single-tier municipality, and
- (d) except as otherwise provided in clauses (a), (b) and (c), a consent given by the Minister. 2002, c. 17, Sched. B, s. 18.

### **References include delegates**

(1.0.1) A reference in subsection (1) and in section 53 to the Minister includes a delegate of the Minister under sections 4 and 55 and a reference to a council includes a delegate of a council under section 54. 2002, c. 17, Sched. B, s. 18.

### **Removal of power**

(1.1) The Minister may by order, accompanied by a written explanation for it, remove the powers of the council of a municipality under this section and sections 53 and 57 and the order may be in respect of one or more applications for a consent, an approval under subsection (18) or for a certificate of validation specified in the order or in respect of any or all applications for consents, approvals under subsection (18) or for certificates of validation made after the order is made. 1994, c. 23, s. 29 (2).

### **Minister to grant consents, etc.**

(1.2) If an order is made under subsection (1.1), the Minister has the power of the council to grant consents, to give approvals under subsection (18) or to issue a certificate of validation in respect of applications to which the order relates and the council shall forward to the Minister all papers, plans, documents and other materials that relate to any matter in respect of which the powers were removed and of which a final disposition was not made by the council before the power was removed. 1994, c. 23, s. 29 (2).

### **Effect of revocation**

(1.3) If the Minister revokes the order or part of the order made under subsection (1.1), the power to grant consents, give approvals under subsection (18) or issue certificates of validation reverts back to the council in respect of all applications to which the revoked order or revoked part of the order applied. 1994, c. 23, s. 29 (2).

### **Delegation**

(1.4) If an order is made under subsection (1.1) in respect of land that is located in a municipal planning area, the Minister may by order delegate to the municipal planning authority the power which was removed from the council to grant consents, to give approvals under subsection (18) or to issue certificates of validation and the delegation may be subject to such conditions as the order provides. 1994, c. 23, s. 29 (2).

### **Effect of revocation**

(1.5) If the Minister revokes the order or part of the order made under subsection (1.4), the power of the municipal planning authority to grant consents, to give approvals under subsection (18) or to issue certificates of validation reverts back to the Minister in respect of all applications to which the revoked order or revoked part of the order applies and the municipal planning authority shall forward to the Minister all papers, plans, documents and other materials that relate to any matter to which the revoked order or part of the order applies and of which a final disposition was not made by the municipal planning authority before the order or part of the order was revoked. 1994, c. 23, s. 29 (2).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Proviso**

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. R.S.O. 1990, c. P.13, s. 50 (2).

### **Mining rights**

(2.1) For the purposes of this section, land shall be deemed and shall always have been deemed to exclude mining rights in or under land but not mining rights on the land. 1994, c. 23, s. 29 (2).

### **Subdivision control**

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (b.1) the land is being leased for a period of not less than 21 years and not more than 99 years, for the purpose of constructing or erecting a building or project that will contain affordable housing units;
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality;
- (d) the land or any use of or right therein is being acquired for the purpose of an electricity distribution line, electricity transmission line or hydrocarbon line within the meaning of Part VI of the *Ontario Energy Board Act, 1998* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;
- (d.1) the land or any use of or right therein is being acquired, directly or by entitlement to renewal for a period of 21 or more years but not more than 50 years, for the purpose of a renewable energy generation facility or renewable energy project, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 50 (3) (d.1) of the Act is repealed. (See: 2018, c. 16, s. 8 (7))**

- (e) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose;
- (f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land;
- (g) the land or any use of or right therein was acquired for the purpose of an electricity distribution line, electricity transmission line or hydrocarbon line within the meaning of Part VI of the *Ontario Energy Board Act, 1998* and is being disposed of to the person from whom it was acquired; or
- (h) the only use of or right in land that is granted is an easement or covenant under the *Conservation Land Act*. R.S.O. 1990, c. P.13, s. 50 (3); 1998, c. 15, Sched. E, s. 27 (4-6); 2006, c. 23, s. 21 (1); 2009, c. 12, Sched. K, s. 2 (1); 2015, c. 26, s. 30 (1, 2); 2016, c. 25, Sched. 4, s. 7 (1).

### **Designation of plans of subdivision not deemed registered**

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).

### **Part-lot control**

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (a.1) the land is being leased for a period of not less than 21 years and not more than 99 years, for the purpose of constructing or erecting a building or project that will contain affordable housing units;
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality;
- (c) the land or any use of or right therein is being acquired for the purpose of a utility line within the meaning of the *Ontario Energy Board Act, 1998* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;
- (c.1) the land or any use of or right therein is being acquired, directly or by entitlement to renewal for a period of 21 or more years but not more than 50 years, for the purpose of a renewable energy generation facility or renewable energy project, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 50 (5) (c.1) of the Act is repealed. (See: 2018, c. 16, s. 8 (8))**

- (d) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose;
- (e) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by a body that has vested in it the right to acquire land by expropriation;
- (f) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land;
- (g) the land or any use of or right therein was acquired for the purpose of a utility line within the meaning of the *Ontario Energy Board Act, 1998* and is being disposed of to the person from whom it was acquired; or
- (h) the only use of or right in land that is granted is an easement or covenant under the *Conservation Land Act*. R.S.O. 1990, c. P.13, s. 50 (5); 1998, c. 15, Sched. E, s. 27 (7-9); 2006, c. 23, s. 21 (2); 2009, c. 12, Sched. K, s. 2 (2); 2016, c. 25, Sched. 4, s. 7 (2).

### **Conveyance of remaining part**

(6) Despite subsections (3) and (5), where land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent given under clause (3) (f) or (5) (f), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed or otherwise dealt with, provided that the remaining part is conveyed or otherwise dealt with before the consent mentioned above lapses under subsection 53 (43). R.S.O. 1990, c. P.13, s. 50 (6); 1994, c. 23, s. 29 (3).

### **Designation of lands not subject to part-lot control**

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law. 1996, c. 4, s. 27 (3).

### **Requirement for approval of by-law**

(7.1) A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law. 1996, c. 4, s. 27 (3).

### **Exemption from approval**

(7.2) An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51. 1996, c. 4, s. 27 (3).

### **Expiration of by-law**

(7.3) A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time. 1996, c. 4, s. 27 (3).

### **Extension of time period**

(7.4) The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required. 1996, c. 4, s. 27 (3).

### **Amendment or repeal**

(7.5) The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment. 1996, c. 4, s. 27 (3).

### **Exception**

(8) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance. R.S.O. 1990, c. P.13, s. 50 (8).

### **Part of building or structure**

(9) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years. R.S.O. 1990, c. P.13, s. 50 (9).

### **Exception**

(10) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*. R.S.O. 1990, c. P.13, s. 50 (10).

### **Application to ARDD**

(11) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. R.S.O. 1990, c. P.13, s. 50 (11).

### **Exception to application of subss. (3, 5)**

(12) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction. R.S.O. 1990, c. P.13, s. 50 (12).

### **Reference to stipulation**

(13) Where the council or the Minister stipulates in accordance with subsection (12), the certificate provided for under subsection 53 (42) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation. R.S.O. 1990, c. P.13, s. 50 (13); 1994, c. 23, s. 29 (5).

### **Effect of contravention**

(14) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act, 1998* or where land is conveyed, mortgaged or charged with a consent given under section 53 or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on June 25, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred before the registration of the plan of subdivision or description or before the giving of a certificate under subsection 53(42) stating that a consent has been given, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before December 15, 1978. 1994, c. 23, s. 29 (6); 2015, c. 28, Sched. 1, s. 155 (1).

#### **Simultaneous conveyances, etc., of abutting lands**

(15) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with but this subsection does not apply to simultaneous conveyances or other simultaneous dealings involving the same parties acting in their same respective capacities. R.S.O. 1990, c. P.13, s. 50 (15).

#### **Partial discharges, etc., effect of**

(16) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation. R.S.O. 1990, c. P.13, s. 50 (16).

#### **Saving**

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4);
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality; or
- (d) is land to which clause (3) (g) or (5) (g) applies. R.S.O. 1990, c. P.13, s. 50 (17); 1998, c. 15, Sched. E, s. 27 (10).

#### **Foreclosure or exercise of power of sale**

(18) No foreclosure or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister or of the council authorized to give a consent under section 53, as the case may be, other than a council authorized to give a consent pursuant to an order under section 4, unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, but this subsection does not apply where the land foreclosed or in respect of where the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge;
- (c) the identical parcel of land that has been the subject of a consent to convey given under section 53 and the consent did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or transaction; or
- (d) the whole of the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent to convey given under section 53 and the consent did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or transaction. R.S.O. 1990, c. P.13, s. 50 (18); 1993, c. 26, s. 58 (1); 1994, c. 23, s. 29 (7); 1996, c. 4, s. 27 (4).

#### **Criteria**

(18.1) No approval shall be given by a council under subsection (18) unless the approval conforms with the prescribed criteria. 1993, c. 26, s. 58 (2).

#### **Release of interest by joint tenant or tenant in common**

(19) Where a joint tenant or tenant in common of land releases or conveys the tenant's interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either alone or together with any other person, the tenant shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land. R.S.O. 1990, c. P.13, s. 50 (19).



### **Partition orders**

- (20) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,
- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
  - (b) a consent is given to the order. R.S.O. 1990, c. P.13, s. 50 (20).

### **Conveyance, etc., contrary to section not to create or convey interest in land**

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. R.S.O. 1990, c. P.13, s. 50 (21).

### **Exception re prescribed statements**

- (22) Where a deed or transfer,
- (a) contains a statement by the grantor, verifying that to the best of the grantor's knowledge and belief the deed or transfer does not contravene this section;
  - (b) contains a statement by the grantor's solicitor, verifying that,
    - (i) he or she has explained the effect of this section to the grantor,
    - (ii) he or she has made inquiries of the grantor to determine that the deed or transfer does not contravene this section,
    - (iii) based on the information supplied by the grantor, to the best of the solicitor's knowledge and belief, the deed or transfer does not contravene this section, and
    - (iv) he or she is an Ontario solicitor in good standing; and
  - (c) contains a statement by the grantee's solicitor, verifying that,
    - (i) he or she has investigated the title to the land and, where relevant, to abutting land,
    - (ii) he or she is satisfied that the record of title to the land and, where relevant, to abutting land, reveals no existing contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that has the effect of preventing the conveyance of any interest in the land,
    - (iii) to the best of his or her knowledge and belief, the deed or transfer does not contravene this section, and
    - (iv) he or she acts independently of the grantor's solicitor and is an Ontario solicitor in good standing; and
  - (d) is registered under the *Land Titles Act* or the *Registry Act*,

any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, does not and shall be deemed never to have had the effect of preventing the conveyance of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day the deed or transfer is registered. R.S.O. 1990, c. P.13, s. 50 (22).

### **Search period re *Planning Act***

(23) For the purposes of the statement referred to in subclause (22) (c) (ii), a solicitor is not required to investigate the registered title to the land except with respect to the time since the registration of the most recent deed or transfer affecting the same land and containing the statements referred to in clauses (22) (a), (b) and (c). R.S.O. 1990, c. P.13, s. 50 (23).

### **Exempting orders**

(24) The Minister may by order designate any part of Ontario as land to which subsection (22) shall not apply after the day a certified copy or duplicate of the order is registered in the proper land registry office in a manner approved by the Director of Land Registration appointed under the *Registry Act*. R.S.O. 1990, c. P.13, s. 50 (24).

## **Offence**

(25) Every person who knowingly makes a false statement under subsection (22) is guilty of an offence and on conviction is liable to a fine not exceeding the aggregate of the value of,

- (a) the land in respect of which the statement is made; and
- (b) the relevant abutting land,

determined as of the day of registration of the deed or transfer containing the false statement. R.S.O. 1990, c. P.13, s. 50 (25).

## **Copy of by-law to be lodged with approval authority**

(26) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the approval authority. 2006, c. 23, s. 21 (3).

## **When by-law effective**

(27) A by-law passed under subsection (4) is not effective until the requirements of subsection (28) have been complied with. R.S.O. 1990, c. P.13, s. 50 (27).

## **Registration of by-law**

(28) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office. R.S.O. 1990, c. P.13, s. 50 (28).

## **Notice**

(29) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. R.S.O. 1990, c. P.13, s. 50 (29).

## **Hearing by council**

(30) The council shall hear in person or by an agent any person to whom a notice was sent under subsection (29), who within twenty days of the mailing of the notice gives notice to the clerk of the municipality that the person desires to make representations respecting the amendment or repeal of the by-law. R.S.O. 1990, c. P.13, s. 50 (30).

## **Section Amendments with date in force (d/m/y)**

1991, c. 15, s. 41 - 27/06/1991; 1993, c. 26, s. 58 (1, 2) - 02/12/1993; 1994, c. 23, s. 29 (2, 3, 5-7) - 28/03/1995; 1996, c. 4, s. 27 (2-4) - 22/05/1996; 1997, c. 26, Sched. - 01/01/1998; 1998, c. 15, Sched. E, s. 27 (4-10) - 01/04/1999; 1999, c. 12, Sched. M, s. 27 (1-3) - 22/12/1999

2002, c. 17, Sched. B, s. 18 - 01/01/2003

2006, c. 23, s. 21 (1, 2) - 19/10/2006; 2006, c. 23, s. 21 (3) - 01/01/2007

2009, c. 12, Sched. K, s. 2 (1, 2) - 24/09/2009

2015, c. 26, s. 30 (1, 2) - 01/07/2016; 2015, c. 26, s. 30 (3) - no effect - see 2016, c. 25, Sched. 6, s. 1 - 08/12/2016; 2015, c. 28, Sched. 1, s. 155 (1) - 03/12/2015

2016, c. 25, Sched. 4, s. 7 (1, 2) - 08/12/2016

2018, c. 16, s. 8 (7, 8) - not in force

## **Division of land by will**

**50.1** (1) No provision in a will that purports to subdivide land is of any effect to subdivide that land unless, irrespective of that provision, each part of the land divided could be conveyed without contravening section 50.

## **Retroactive effect**

(2) Subsection (1) applies even though the will was made before the 26th day of July, 1990 unless the person who made the will died on or before that date.

## **Tenants in common**

(3) If a provision in a will is of no effect to subdivide land under subsection (1), the beneficiaries that would have been entitled to the land if the provision had been effective shall hold the undivided land as tenants in common. 1991, c. 9, s. 1.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

(4)-(6) REPEALED: 1991, c. 9, s. 1.

#### **Section Amendments with date in force (d/m/y)**

R.S.O. 1990, c. P.13, s. 50.1 (7) - 26/07/1992; 1991, c. 9, s. 1 - 26/07/1990

#### **Plan of subdivision approvals**

**51** (1), (2) REPEALED: 2002, c. 17, Sched. B, s. 19 (1).

#### **Minister is approval authority**

(3) Except as otherwise provided in this section, the Minister is the approval authority for the purposes of this section and section 51.1. 1999, c. 12, Sched. M, s. 28 (1).

#### **Deemed approval authority**

(3.1) If the Minister has delegated any authority under this section to a council or planning board, in accordance with section 4, the council or planning board is deemed to be the approval authority in respect of the land to which the delegation applies for the purposes of this section and section 51.1. 2009, c. 33, Sched. 21, s. 10 (12).

#### **Single-tier municipality**

(4) If land is in a single-tier municipality that is not in a territorial district, the single-tier municipality is the approval authority for the purposes of this section and section 51.1, except as otherwise prescribed. 2002, c. 17, Sched. B, s. 19 (2).

#### **Upper-tier municipality**

(5) Subject to subsection (6), if land is in an upper-tier municipality with an approved official plan, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1. 2002, c. 17, Sched. B, s. 19 (3).

#### **Timing, upper-tier as approval authority**

(5.1) On the day that all or part of a plan that covers all of an upper-tier municipality comes into effect as the official plan of the municipality, the upper-tier municipality is the approval authority under subsection (5). 2002, c. 17, Sched. B, s. 19 (3).

#### **Prescribed lower-tier municipality**

(6) If land is in a prescribed lower-tier municipality, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1. 2002, c. 17, Sched. B, s. 19 (3).

#### **Prescribed single-tier municipality in a territorial district**

(7) If land is in a prescribed single-tier municipality that is in a territorial district, the municipality is the approval authority for the purposes of this section and section 51.1. 2002, c. 17, Sched. B, s. 19 (3).

(8)-(10) REPEALED: 2002, c. 17, Sched. B, s. 19 (4).

#### **Removal of power**

(11) The Minister may by order, accompanied by a written explanation for it, remove the power given under subsection (3.1), (4), (5), (6) or (7) and the order may be in respect of the applications specified in the order or in respect of any or all applications made after the order is made. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (2); 2002, c. 17, Sched. B, s. 19 (5); 2009, c. 33, Sched. 21, s. 10 (13).

#### **Minister to be approval authority**

(12) If an order is made under subsection (11), the Minister becomes the approval authority in respect of the applications to which the order relates and the council of the former approval authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter in respect of which the power was removed and of which a final disposition was not made by the council before the power was removed. 1994, c. 23, s. 30.

#### **Revocation**

(13) If the Minister revokes the order or part of the order made under subsection (11), the council reverts back to being the approval authority in respect of all applications to which the revoked order or revoked part of the order applies. 1994, c. 23, s. 30.

#### **Delegation**

(14) If an order is made under subsection (11) in respect of land that is located in a municipal planning area, the Minister may by order delegate to the municipal planning authority the power to approve proposed plans of subdivision which was removed from the council and the municipal planning authority becomes the approval authority in respect of the applications

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

to which the order made under this subsection relates and the delegation may be subject to such conditions as the order provides. 1994, c. 23, s. 30.

#### **Effect of revocation**

(15) If the Minister revokes the order or part of the order made under subsection (14), the Minister reverts back to being the approval authority in respect of all applications to which the revoked order or revoked part of the order applies and the municipal planning authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter to which the revoked order or part of the order applies and of which a final disposition was not made by the municipal planning authority before the order or part of the order was revoked. 1994, c. 23, s. 30.

#### **Application**

(16) An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. 1994, c. 23, s. 30.

#### **Consultation**

(16.1) The approval authority,

- (a) shall permit applicants to consult with it before submitting applications under subsection (16); and
- (b) in the case of an approval authority that is a municipality, may, by by-law, require applicants to consult with it as described in clause (a). 2006, c. 23, s. 22 (1).

#### **Contents**

(17) The applicant shall provide the approval authority with the prescribed information and material and as many copies as may be required by the approval authority of a draft plan of the proposed subdivision drawn to scale and showing,

- (a) the boundaries of the land proposed to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which the land forms the whole or part;
- (d) the purpose for which the proposed lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (f.1) if any affordable housing units are being proposed, the shape and dimensions of each proposed affordable housing unit and the approximate location of each proposed affordable housing unit in relation to other proposed residential units;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (3); 2016, c. 25, Sched. 4, s. 8 (1).

#### **Other information**

(18) An approval authority may require that an applicant provide any other information or material that the approval authority considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 22 (2).

### **Refusal and timing**

(19) Until the approval authority has received the information and material required under subsections (17) and (18), if any, and any fee under section 69 or 69.1,

- (a) the approval authority may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection (34) does not begin. 2006, c. 23, s. 22 (2).

### **Response re completeness of application**

(19.1) Within 30 days after the applicant pays any fee under section 69 or 69.1, the approval authority shall notify the applicant and the clerk of the municipality in which the land is located or the secretary-treasurer of the planning board in whose planning area the land is located that the information and material required under subsections (17) and (18), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 22 (2).

### **Motion re dispute**

(19.2) Within 30 days after a negative notice is given under subsection (19.1), the applicant or the approval authority may make a motion for directions to have the Tribunal determine,

- (a) whether the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (18) is reasonable. 2017, c. 23, Sched. 5, s. 99 (1).

### **Same**

(19.3) If the approval authority does not give any notice under subsection (19.1), the applicant may make a motion under subsection (19.2) at any time after the 30-day period described in subsection (19.1) has elapsed. 2006, c. 23, s. 22 (2).

### **Alternative measures**

(19.3.1) Subject to subsection (19.3.3), if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed plans of subdivision and if the measures are complied with, clause (19.4) (a) and subsections (20) and (21) do not apply. 2015, c. 26, s. 31 (1).

### **Same**

(19.3.2) In the course of preparing the official plan, before including alternative measures described in subsection (19.3.1), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed plans of subdivision to the prescribed persons and public bodies mentioned in clause (19.4) (a). 2015, c. 26, s. 31 (1).

### **Restriction**

(19.3.3) Subsection (19.3.1) applies only in the case of an application for approval that is made to an approval authority other than the Minister. 2015, c. 26, s. 31 (1).

### **Notice of particulars and public access**

(19.4) Within 15 days after the approval authority gives an affirmative notice under subsection (19.1), or within 15 days after the Tribunal advises the approval authority and the clerk or secretary-treasurer of its affirmative decision under subsection (19.2), as the case may be, the council or planning board shall,

- (a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application, accompanied by the prescribed information; and
- (b) make the information and material provided under subsections (17) and (18) available to the public. 2006, c. 23, s. 22 (2); 2017, c. 23, Sched. 5, s. 80.

### **Final determination**

(19.5) The Tribunal's determination under subsection (19.2) is not subject to appeal or review. 2017, c. 23, Sched. 5, s. 99 (1).

### **Public meeting**

(20) Before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that a public meeting is held, if required by regulation, notice of which shall be given in the manner and to the persons and public bodies prescribed and shall contain the information prescribed.

### **Request**

(21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided hold the public meeting referred to in subsection (20).

### **Responsibilities**

~~(21.1) A local municipality or planning board that is requested to hold the public meeting referred to in subsection (20) shall ensure that,~~

- ~~(a) notice of the meeting is given in accordance with subsection (20);~~
- ~~(b) the public meeting is held; and~~
- ~~(c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held.~~

### **Notice**

~~(20) At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,~~

- ~~—(a) notice of the application is given, if required by regulation, in the manner and to the persons and public bodies and containing the information prescribed; and~~
- ~~—(b) a public meeting is held, if required by regulation, notice of which shall be given in the manner and to the persons and public bodies and containing the information prescribed. 1996, c. 4, s. 28 (4).~~

### **Request**

~~(21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided give notice of the application or hold the public meeting referred to in subsection (20) or do both. 1996, c. 4, s. 28 (4).~~

### **Responsibilities**

~~(21.1) A local municipality or planning board that is requested to give the notice referred to in clause (20) (a) shall ensure that,~~

- ~~—(a) the notice is given in accordance with the regulation made under clause (20) (a); and~~
- ~~—(b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given. 1996, c. 4, s. 28 (4).~~

### **Same**

~~(21.2) A local municipality or planning board that is requested to hold the public meeting referred to in clause (20) (b) shall ensure that,~~

- ~~—(a) notice of the meeting is given in accordance with the regulation made under clause (20) (b);~~
- ~~—(b) the public meeting is held; and~~
- ~~—(c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held. 1996, c. 4, s. 28 (4).~~

### **Written submissions**

(22) Any person or public body may make written submissions to the approval authority before the approval authority makes its decision under subsection (31). 1994, c. 23, s. 30.

### **Consultation**

(23) The approval authority may confer with the persons or public bodies that the approval authority considers may have an interest in the approval of the proposed subdivision. 1994, c. 23, s. 30.

### **Criteria**

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
  - (b) whether the proposed subdivision is premature or in the public interest;
  - (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
  - (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;



- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

### **Conditions**

(25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,

- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;
- (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;
- (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;
- (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary;
- (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and
- (e) in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the *Condominium Act, 1998*, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities agreement be satisfactory to the approval authority. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).

### **Agreements**

(26) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 1994, c. 23, s. 30.

### **Land outside municipalities**

(27) If the land proposed to be subdivided is located in territory without municipal organization, any minister of the Crown in right of Ontario or planning board may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreement may be registered against the land to which it applies and the minister or the planning board is entitled to enforce the provisions of it against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of land. 1994, c. 23, s. 30.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

(28)-(30) REPEALED: 1996, c. 4, s. 28 (5).

#### **Decision**

(31) The approval authority may give or refuse to give approval to a draft plan of subdivision. 1994, c. 23, s. 30.

#### **Lapse of approval**

(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).

#### **Extension**

(33) The approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given. 1994, c. 23, s. 30.

#### **Appeal to L.P.A.T.**

(34) If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within ~~120~~<sup>180</sup> days after the day the application is received by the approval authority, the applicant may appeal to the Tribunal with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81.

#### **Consolidated Hearings Act**

(34.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for approval of a draft plan of subdivision unless the approval authority has given or refused to give approval to the draft plan of subdivision or the time period referred to in subsection (34) has expired. 2006, c. 23, s. 22 (7).

#### **Record**

(35) An approval authority that receives a notice of appeal under subsection (34) shall ensure that,

- (a) a record is compiled which includes the prescribed information and material; and
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (7); 2017, c. 23, Sched. 5, s. 99 (2).

#### **Exception**

(35.1) Despite clause (35) (b), if all appeals under subsection (34) are withdrawn within 15 days after the first notice of appeal is filed, the approval authority is not required to forward the materials described under clause (35) (b) to the Tribunal. 1999, c. 12, Sched. M, s. 28 (3); 2015, c. 26, s. 31 (2); 2017, c. 23, Sched. 5, s. 99 (3).

#### **Where all appeals withdrawn**

(35.2) If all appeals under subsection (34) are withdrawn within 15 days after the first notice of appeal is filed, the approval authority may proceed to make a decision under subsection (31). 1999, c. 12, Sched. M, s. 28 (3); 2015, c. 26, s. 31 (3).

#### **Withdrawal**

(36) If an appeal under subsection (34) is withdrawn, the Tribunal shall notify the approval authority and the approval authority may proceed to make a decision under subsection (31). 1994, c. 23, s. 30; 2017, c. 23, Sched. 5, s. 80.

#### **Notice**

(37) If the approval authority gives or refuses to give approval to a draft plan of subdivision, the approval authority shall, within 15 days of its decision, give written notice of it in the prescribed manner to,

- (a) the applicant;
- (b) each person or public body that made a written request to be notified of the decision;
- (c) a municipality or a planning board for a planning area in which the land to be subdivided is situated; and
- (d) any other person or public body that is prescribed. 2015, c. 26, s. 31 (4).

## Contents

(38) The notice under subsection (37) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (38.1) had on the decision; and
- (b) any other information that is prescribed. 2015, c. 26, s. 31 (4).

## Written and oral submissions

(38.1) Clause (38) (a) applies to,

- (a) any written submissions relating to the draft plan of subdivision that were made to the approval authority before its decision; and
- (b) any oral submissions relating to the draft plan of subdivision that were made at a public meeting. 2015, c. 26, s. 31 (4).

## Exception

(38.2) If the notice under subsection (37) is given by the Minister and he or she is also giving notice of the matter in accordance with section 36 of the *Environmental Bill of Rights, 1993*, the brief explanation referred to in clause (38) (a) is not required. 2015, c. 26, s. 31 (4).

(38) REPEALED: 1996, c. 4, s. 28 (9).

## Appeal

(39) Subject to subsection (43), not later than 20 days after the day that the giving of notice under subsection (37) is completed, any of the following may appeal the decision, the lapsing provision or any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*:

1. The applicant.
2. A ~~person or~~ public body ~~that who~~, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

3. The Minister.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.
5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (8); 2017, c. 23, Sched. 5, ss. 80, 81.

## Restriction

(39.1) Despite subsection (39), there is no appeal in respect of a part of the decision, or a condition, that gives effect to a policy described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 8 (4).

## Exception re Minister

(39.2) Subsection (39.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 8 (4).

## Notice completed

(40) For the purpose of subsections (39) and (49), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by personal service, on the day that the serving of all required notices is completed;
- (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;
- (b) where notice is given by mail, on the day that the mailing of all required notices is completed; and
- (c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1994, c. 23, s. 30; 2015, c. 26, s. 31 (5).

## No appeal

(41) If no appeal is filed under subsection (39) or (48), subject to any other right of appeal that may be exercised under this section and subject to subsection (44), the decision of the approval authority to give or to refuse to give approval to a draft

plan of subdivision shall be deemed to have been made on the day after the last day for appealing the decision. 1994, c. 23, s. 30.

### **Declaration**

(42) A sworn declaration by an employee of the approval authority that notice was given as required by subsection (37) or (45) or that no notice of appeal was filed under subsection (39) or (48) within the time allowed for appeal is conclusive evidence of the facts stated in it. 1994, c. 23, s. 30.

### **Appeal**

(43) At any time before the approval of the final plan of subdivision under subsection (58), any of the following may appeal any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*:

1. The applicant.
2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

3. The Minister.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.
5. If the land is not located in a municipality or in the planning area of a planning board, any public body. 2006, c. 23, s. 22 (9); 2017, c. 23, Sched. 5, ss. 80, 81.

### **Restriction**

(43.1) Despite subsection (43), there is no appeal in respect of a condition that gives effect to a policy described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 8 (5).

### **Exception re Minister**

(43.2) Subsection (43.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 8 (5).

### **Withdrawal of approval**

(44) The approval authority may, in its discretion, withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before the approval of the final plan of subdivision under subsection (58). 1994, c. 23, s. 30.

### **Notice**

(45) If the approval authority changes the conditions to the approval of a plan of subdivision under subsection (44) after notice has been given under subsection (37), the approval authority shall, within 15 days of its decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,

- (a) the applicant;
- (b) REPEALED: 1996, c. 4, s. 28 (11).
- (c) each person or public body that made a written request to be notified of changes to the conditions;
- (d) a municipality or a planning board for a planning area in which the land to be subdivided is situate; and
- (e) any other person or public body prescribed. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (11); 2000, c. 26, Sched. K, s. 5 (5); 2015, c. 26, s. 31 (6).

(46) REPEALED: 1996, c. 4, s. 28 (12).

### **No notice**

(47) An approval authority is not required to give written notice under subsection (45) if, in the opinion of the approval authority, the change to conditions is minor. 1994, c. 23, s. 30.

### **Appeal**

(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*:

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

1. The applicant.
  2. A ~~person or~~ public body ~~that~~~~who~~, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.
- 2.1 A person listed in subsection (48.3) who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.
3. The Minister.
  4. The municipality in which the land is located or the planning board in whose planning area the land is located.
  5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (10); 2017, c. 23, Sched. 5, ss. 80, 81.

#### **Restriction**

(48.1) Despite subsection (48), there is no appeal in respect of a changed condition that gives effect to a policy described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 8 (6).

#### **Exception re Minister**

(48.2) Subsection (48.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 8 (6).

#### Persons referred to in para. 2.1 of subs. (39), etc.

(48.3) The following are listed for the purposes of paragraph 2.1 of subsection (39), paragraph 2.1 of subsection (43) and paragraph 2.1 of subsection (48):

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.

2. Ontario Power Generation Inc.

3. Hydro One Inc.

4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.

5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.

6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.

7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.

8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

### **Restriction**

(49) If the person appealing the changed conditions is other than the applicant or a public body, the appeal must be filed not later than 20 days after the day that the giving of written notice under subsection (45) is completed. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (13).

### **Use of dispute resolution techniques**

(49.1) When a notice of appeal is filed under subsection (39), (43) or (48), the approval authority may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 31 (7).

### **Notice and invitation**

(49.2) If the approval authority decides to act under subsection (49.1),

- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) it shall give an invitation to participate in the dispute resolution process to,
  - (i) as many of the appellants as the approval authority considers appropriate,
  - (ii) the applicant, if the applicant is not an appellant, and
  - (iii) any other persons or public bodies that the approval authority considers appropriate. 2015, c. 26, s. 31 (7).

### **Extension of time**

(49.3) When the approval authority gives a notice under clause (49.2) (a), the 15-day period mentioned in clause (50) (b) and subsections (50.1) and (50.2) is extended to 75 days. 2015, c. 26, s. 31 (7).

### **Participation voluntary**

(49.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (49.2) (b) is voluntary. 2015, c. 26, s. 31 (7).

### **Record**

(50) An approval authority that receives a notice of appeal under subsection (39), (43) or (48) shall ensure that,

- (a) a record is compiled which includes the prescribed information and material; and
- (b) the record, notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (39) or (49) or within 15 days after the notice of appeal under subsection (43) or (48) was received by the approval authority. 1994, c. 23, s. 30; 2017, c. 23, Sched. 5, s. 99 (4).

### **Exception**

(50.1) Despite clause (50) (b), if all appeals are withdrawn within 15 days after the last day for filing a notice of appeal under subsection (39) or (49) or within 15 days after the notice of appeal under subsection (43) or (48) was received by the approval authority, the approval authority is not required to forward the materials described under clause (50) (b) to the Tribunal. 1999, c. 12, Sched. M, s. 28 (3); 2017, c. 23, Sched. 5, s. 99 (5).

### **Deemed decision**

(50.2) If all appeals are withdrawn within 15 days after the last day for filing a notice of appeal under subsection (39) or (49) or within 15 days after the notice of appeal under subsection (43) or (48) was received by the approval authority, the decision of the approval authority shall be deemed to have been made on the day after the day all appeals have been withdrawn, subject to any other right of appeal that may be exercised under this section and subject to subsection (44). 1999, c. 12, Sched. M, s. 28 (3).

### **Appeals withdrawn**

(51) If all appeals under subsection (39) or (48) are withdrawn and the time for appealing has expired or if all appeals under subsection (43) are withdrawn, the Tribunal shall notify the approval authority and the decision of the approval authority shall be deemed to have been made on the day after the day all appeals have been withdrawn, subject to any other right of appeal that may be exercised under this section and subject to subsection (44). 1994, c. 23, s. 30; 2017, c. 23, Sched. 5, s. 82.

### **Hearing**

(52) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 99 (6).



### **Restriction re adding parties**

(52.1) Despite subsection (52), in the case of an appeal under subsection (39), (43) or (48), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (52.2).
2. The Minister.
3. The appropriate approval authority.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.
5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (11).

### **Same**

(52.2) The conditions mentioned in paragraph 1 of subsection (52.1) are:

1. Before the approval authority made its decision with respect to the plan of subdivision, the person or public body made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of changes to the conditions.
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 22 (11); 2017, c. 23, Sched. 5, s. 80.

### **New evidence at hearing**

(52.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (39), (43) or (48) was not provided to the approval authority before it made the decision that is the subject of the appeal. 2006, c. 23, s. 22 (11).

### **Same**

(52.4) When subsection (52.3) applies, the Tribunal may, on its own initiative or on a motion by the approval authority or any party, consider whether the information and material could have materially affected the approval authority's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed.

### **Same**

~~(52.4) If subsection (52.3) applies and if the approval authority so requests, the Tribunal shall not admit the information and material into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed. 2017, c. 23, Sched. 3, s. 16.~~

### **Notice to approval authority**

(52.5) The Tribunal shall notify the approval authority that it is being given an opportunity to,

- (a) reconsider its decision in light of the information and material; and
- (b) make a written recommendation to the Tribunal. 2017, c. 23, Sched. 5, s. 99 (6).

### **Approval authority's recommendation**

(52.6) The Tribunal shall have regard to the approval authority's recommendation if it is received within the time period mentioned in subsection (52.4), and may but is not required to do so if it is received afterwards. 2017, c. 23, Sched. 5, s. 99 (6).

### **Conflict with SPPA**

(52.7) Subsections (52.1) to (52.6) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 22 (11).

### **Dismissal without hearing**

#### **Dismissal without hearing**

(53) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if,

~~(53) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may dismiss an appeal without holding a hearing on its own initiative or on the motion of any party, if,~~

- (a) it is of the opinion that,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as to the condition appealed to it,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) REPEALED: 2006, c. 23, s. 22 (14).
- (c) the appellant has not provided written reasons for the appeal;
- (d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (14, 15); 2006, c. 23, s. 22 (12-14); 2017, c. 23, Sched. 5, s. 99 (7).

### **Same**

(53.1) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may, on its own initiative or on the motion of the municipality, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 5, s. 99 (8).

### **Representation**

(54) Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (53) (e). 2000, c. 26, Sched. K, s. 5 (6); 2017, c. 23, Sched. 5, s. 80.

### **Dismissal**

(54.1) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (53) or (53.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 99 (8).

### **Decision**

(55) If all appeals under subsection (39), (43) or (48) are dismissed or withdrawn, the Tribunal shall notify the approval authority and the decision of the approval authority shall be deemed to have been made on the day after the day the last outstanding appeal has been dismissed or withdrawn, subject to any other right of appeal that may be exercised under this section and subject to subsection (44). 1994, c. 23, s. 30; 2017, c. 23, Sched. 5, s. 82.

### **Powers**

(56) On an appeal under subsection (34) or (39), the Tribunal may make any decision that the approval authority could have made on the application and on an appeal under subsection (43) or (48) shall determine the question as to the conditions appealed to it. 2017, c. 23, Sched. 5, s. 99 (8).

### **Final approval**

(56.1) If, on an appeal under subsection (34) or (39), the Tribunal has given approval to a draft plan of subdivision, the Tribunal may, by order, provide that the final approval of the plan of subdivision for the purposes of subsection (58) is to be given by the approval authority in which the land is situate. 2017, c. 23, Sched. 5, s. 99 (8)..

### **Change of conditions**

(56.2) If the final approval of a plan of subdivision is to be given under subsection (56.1), the Tribunal may change the conditions of the approval of the draft plan of subdivision under subsection (44) at any time before the approval of the final plan of subdivision by the approval authority. 1999, c. 12, Sched. M, s. 28 (3); 2017, c. 23, Sched. 5, s. 80.

### **When draft plan approved**

(57) When the draft plan is approved, the person seeking to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and with the *Registry Act* or the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. 1994, c. 23, s. 30.

### **Final approval of plan**

(58) Upon presentation by the person seeking to subdivide, the approval authority may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and, once approved, the final plan of subdivision may be tendered for registration. 1994, c. 23, s. 30.

### **Withdrawal of approval**

(59) If a final plan of subdivision is approved under subsection (58), but is not registered within 30 days of the date of approval, the approval authority may withdraw its approval. 1994, c. 23, s. 30.

### **Duplicates**

(60) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the approval authority two duplicates, of the plan of a type approved by the approval authority, and the land registrar shall endorse on it a certificate showing the number of the plan and the date when the plan was registered and shall deliver the duplicate or duplicates to the approval authority. 1994, c. 23, s. 30.

### **Saving**

(61) The approval of a plan of subdivision does not operate to release any person from doing anything that the person may be required to do by or under the authority of any other Act. 1994, c. 23, s. 30.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 30 - 28/03/1995; 1996, c. 4, s. 28 (5) - 16/11/1995; 1996, c. 4, s. 28 (2-4, 6-15) - 22/05/1996; 1997, c. 31, s. 164 - see Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2011; 1999, c. 12, Sched. M, s. 28 (1, 3) - 22/12/1999

2000, c. 26, Sched. K, s. 5 (5, 6) - 06/12/2000

2001, c. 32, s. 31 (2) - 30/09/2002

2002, c. 17, Sched. B, s. 19 (1-5) - 01/01/2003

2004, c. 18, s. 8 - 30/11/2004

2005, c. 26, Sched. B, s. 1 - 28/04/2006

2006, c. 23, s. 22 (1-16) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (12, 13) - 01/07/2010

2015, c. 26, s. 31 (1-7) - 01/07/2016

2016, c. 25, Sched. 4, s. 8 (1-6) - 08/12/2016

2017, c. 23, Sched. 3, s. 16 - 03/04/2018; 2017, c. 23, Sched. 5, s. 80-82, 99 (1-8) - 03/04/2018

### **Parkland**

#### **Definition**

**51.1(0.1)** ~~In this section,~~

~~“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.~~

#### **Definitions**

~~**51.1 (0.1)** In this section,~~

~~“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)~~

~~“effective date” means the day subsection 32 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force. (“date d’effet”) 2015, c. 26, s. 32 (1).~~

### **Land conveyed or dedicated for parkland**

(1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes. 1994, c. 23, s. 31.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the *More Homes, More Choice Act, 2019*, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Other criteria**

~~(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality. 1994, c. 23, s. 31.~~

### **Parks plan**

~~(2.1) Before adopting the official plan policies described in subsection (2), the municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality. 2015, c. 26, s. 32 (1).~~

### **Same**

~~(2.2) In preparing the parks plan, the municipality,~~

~~— (a) shall consult with every school board that has jurisdiction in the municipality; and~~

~~— (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 32 (1).~~

### **Same**

~~(2.3) For greater certainty, subsection (2.1) and clause (2.2) (a) do not apply with respect to official plan policies adopted before the effective date. 2015, c. 26, s. 32 (1).~~

### **Payment in lieu**

~~(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).~~

### **Same**

~~(3.1) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies, the municipality may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be determined by the municipality. 2015, c. 26, s. 32 (2).~~

### **Transition**

~~(3.2) If the draft plan of subdivision is approved on or before the effective date, the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies,~~

~~— (a) subsection (3.1) does not apply; and~~

~~— (b) subsection (3), as it reads on the day before the effective date, continues to apply. 2015, c. 26, s. 32 (2).~~

### **Determination of value**

~~(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3).~~

### **Application**

~~(5) Subsections 42 (5) and (12) to (17)20) apply with necessary modifications to a conveyance of land or a payment of money under this section. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (4).~~

### **Non-application of by-law under s. 37**

~~(6) The development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under section 37, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection (1) on or after the effective date.~~

### **Transition**

~~(7) If the draft plan of subdivision is approved before the effective date and the approval authority has imposed a condition under subsection (1), the following rules apply with respect to the land within the draft plan of subdivision:~~

1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to the land.

2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, applies with respect to the land.

3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land.

4. Subsection 37 (5), as it read on the day before the effective date, applies with respect to the land, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).

5. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the land is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the land on the day before the applicable date described in subsection 37.1 (5) of this Act, regardless of whether the development charge by-law has expired or been repealed.

6. For the purposes of paragraph 5, the following rules apply:

i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection 37.1 (5),

ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 5 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.

7. The development or redevelopment of the land is not subject to a community benefits charge by-law under section 37.

#### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 31 - 28/03/1995

2015, c. 26, s. 32 (1-4) - 01/07/2016

#### **Delegation to committee or officer**

**51.2** (1) If a council of a municipality is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may by by-law delegate all or any part of the authority to approve plans of subdivision to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31; 2002, c. 17, Sched. B, s. 20 (1).

#### **Delegation to lower-tier municipality**

(2) If an upper-tier council is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law delegate all or any part of the authority to approve plans of subdivision to a lower-tier municipality in respect of land situate in the lower-tier municipality. 2002, c. 17, Sched. B, s. 20 (2).

#### **Delegation**

(2.1) Despite subsections 74 (2) and 74.1 (1), an upper-tier council may delegate the authority to approve plans of subdivision under subsection (2) with respect to applications made before March 28, 1995. 2002, c. 17, Sched. B, s. 20 (3).

#### **Delegation to planning authority**

(3) If a council is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law delegate all or any part of the authority to approve plans of subdivision to a

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the *More Homes, More Choice Act, 2019*, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

municipal planning authority in respect of land situate in the municipal planning area. 1994, c. 23, s. 31; 2002, c. 17, Sched. B, s. 20 (4).

#### **Further delegation**

(4) If authority is delegated to a council under subsection (2), the council may in turn by by-law delegate all or any part of the authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31.

#### **Same**

(5) If authority is delegated to a municipal planning authority under subsection (3) or subsection 51 (14), the municipal planning authority may in turn by by-law delegate all or any part of the authority to a committee of the municipal planning authority or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31.

#### **Conditions**

(6) A delegation of authority made by a council or municipal planning authority under this section may be subject to such conditions as the council or municipal planning authority by by-law provides. 1994, c. 23, s. 31.

#### **Withdrawal of delegation**

(7) A council or a municipal planning authority may by by-law withdraw a delegation of authority made by a council or a municipal planning authority under this section and such withdrawal may be either in respect of one or more plans of subdivision specified in the by-law or any or all plans of subdivision in respect of which a final disposition was not made before the withdrawal. 1994, c. 23, s. 31.

#### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 31 - 28/03/1995

2001, c. 9, Sched. J, s. 2 (3) - 29/06/2001

2002, c. 17, Sched. B, s. 20 (1-4) - 01/01/2003

#### **Sale of lands in accordance with unregistered plan prohibited**

**52** (1) No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 51.

#### **Definition**

(2) In subsection (1),

“unregistered plan of subdivision” does not include a reference plan of survey under section 150 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act. R.S.O. 1990, c. P.13, s. 52.

#### **Consents**

**53** (1) An owner of land or the owner’s agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.

#### **Prescribed information**

(2) The applicant for a consent shall provide the council or the Minister with the prescribed information or material. 1996, c. 4, s. 29 (1).

#### **Other information**

(3) A council or the Minister may require that a person or public body that makes an application for a consent provide any other information or material that the council or the Minister considers it or he or she may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 23 (1).

#### **Refusal and timing**

(4) Until the council or the Minister has received the information and material required under subsections (2) and (3), if any, and any fee under section 69 or 69.1,

(a) the council or the Minister may refuse to accept or further consider the application for a consent; and

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



(b) the time period referred to in subsection (14) does not begin. 2006, c. 23, s. 23 (1).

#### **Motion re dispute**

(4.1) The applicant, the council or the Minister may make a motion for directions to have the Tribunal determine,

- (a) whether the information and material required under subsections (2) and (3), if any, have in fact been provided; or
- (b) whether a requirement made under subsection (3) is reasonable. 2017, c. 23, Sched. 5, s. 100 (1).

#### **Final determination**

(4.2) The Tribunal's determination under subsection (4.1) is not subject to appeal or review. 2006, c. 23, s. 23 (1); 2017, c. 23, Sched. 5, s. 80.

#### **Alternative measures**

(4.3) In the case of an application for consent that is made to a council, if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of applications for consent and if the measures are complied with,

- (a) subsection (5) does not apply; and
- (b) subsections (6) and (7) do not apply with respect to notice of the application. 2015, c. 26, s. 33 (1).

#### **Same**

(4.4) Subsection (4.3) also applies in the case of a council or planning board to which the Minister has delegated authority under section 4. 2015, c. 26, s. 33 (1).

#### **Same**

(4.5) In the course of preparing the official plan, before including alternative measures described in subsection (4.3), the council shall consider whether it would be desirable for the measures to allow for notice of the application for consent to the prescribed persons and public bodies mentioned in clause (5) (a). 2015, c. 26, s. 33 (1).

#### **Notice**

(5) At least 14 days before a decision is made by the council or the Minister, the council or the Minister shall ensure that,

- (a) notice of the application is given, if required by regulation, in the manner and to the persons and public bodies and containing the information prescribed; and
- (b) a public meeting is held, if required by regulation, notice of which shall be given in the manner and to the persons and public bodies and containing the information prescribed. 1996, c. 4, s. 29 (1).

#### **Request by council**

(6) A council may request that a local municipality having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both. 1996, c. 4, s. 29 (1).

#### **Request by Minister**

(7) The Minister may request that a local municipality or planning board having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both. 1996, c. 4, s. 29 (1).

#### **Responsibilities**

(7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that,

- (a) the notice is given in accordance with ~~the regulation made under~~ clause (5) (a); and
- (b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given. 1996, c. 4, s. 29 (1).

#### **Same**

(7.2) A local municipality or planning board that is requested under subsection (6) or (7) to hold a public meeting shall ensure that,

- (a) notice of the meeting is given in accordance with ~~the regulation made under~~ clause (5) (b);
- (b) the public meeting is held; and

- (c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held. 1996, c. 4, s. 29 (1).

#### **Written submissions**

- (8) Any person or public body may make written submissions to the council or the Minister before the council or the Minister gives or refuses to give a provisional consent. 1994, c. 23, s. 32.

#### **Procedure**

- (9) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed. 1994, c. 23, s. 32.

#### **Council to confer**

- (10) A council, in determining whether a provisional consent is to be given, shall confer with the persons or public bodies prescribed. 1994, c. 23, s. 32.

#### **Minister may confer**

- (11) The Minister in determining whether a provisional consent is to be given may confer with the persons or public bodies that the Minister considers may have an interest in the application. 1994, c. 23, s. 32.

#### **Powers**

- (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

#### **Parks**

- (13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given. 1994, c. 23, s. 32; 2015, c. 26, s. 33 (2).

#### **Appeal to L.P.A.T.**

- (14) If an application is made for a consent and the council or the Minister fails to make a decision under subsection (1) on the application within 90 days after the day the application is received by the clerk of the municipality or the Minister, the applicant may appeal to the Tribunal with respect to the consent application by filing a notice with the clerk of the municipality or the Minister, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (2); 2004, c. 18, s. 9; 2017, c. 23, Sched. 5, ss. 80, 81.

#### **Consolidated Hearings Act**

- (14.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application requested under subsection (1) unless the council or the Minister has given or refused to give a provisional consent or the time period referred to in subsection (14) has expired. 2006, c. 23, s. 23 (2).

#### **Record**

- (15) If the clerk of the municipality or the Minister receives a notice of appeal under subsection (14), the clerk of the municipality or the Minister shall ensure that,

- (a) a record is compiled which includes the prescribed information and material; and
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (3); 2017, c. 23, Sched. 5, s. 100 (2).

#### **Appeal withdrawn**

- (16) If an appeal under subsection (14) is withdrawn, the Tribunal shall notify the council or Minister and the council or the Minister may proceed to make a decision under subsection (1). 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

#### **Exception**

- (16.1) Despite clause (15) (b), if all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the clerk of the municipality or the Minister is not required to forward the materials described under clause (15) (b) to the Tribunal. 1999, c. 12, Sched. M, s. 29; 2015, c. 26, s. 33 (3); 2017, c. 23, Sched. 5, s. 100 (3).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Where all appeals withdrawn**

(16.2) If all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the council or the Minister may proceed to make a decision under subsection (1). 1999, c. 12, Sched. M, s. 29; 2015, c. 26, s. 33 (4).

### **Notice of decision**

(17) If the council or the Minister gives or refuses to give a provisional consent, the council or the Minister shall ensure that written notice of it is given in the prescribed manner within 15 days to,

- (a) the applicant;
- (b) each person or public body that made a written request to be notified of the decision or conditions;
- (c) the Minister, with respect to a decision by a council to give a provisional consent, if the Minister has notified the council that he or she wishes to receive a copy of all decisions made to give a provisional consent; and
- (d) any other person or public body that is prescribed. 2015, c. 26, s. 33 (5).

### **Contents**

(18) The notice under subsection (17) shall contain,

- (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.1) had on the decision; and
- (b) the prescribed information. 2015, c. 26, s. 33 (5).

### **Written and oral submissions**

(18.1) Clause (18) (a) applies to,

- (a) any written submissions relating to the provisional consent that were made to the council before its decision; and
- (b) any oral submissions relating to the provisional consent that were made at a public meeting. 2015, c. 26, s. 33 (5).

### **Exception**

(18.2) If the notice under subsection (17) is given by the Minister and he or she is also giving notice of the matter in accordance with section 36 of the *Environmental Bill of Rights, 1993*, the brief explanation referred to in clause (18) (a) is not required. 2015, c. 26, s. 33 (5).

### **Appeal**

(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81.

### **Notice completed**

(20) For the purpose of subsections (19) and (27), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by personal service, on the day that the serving of all required notices is completed;
- (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;
- (b) where notice is given by mail, on the day that the mailing of all required notices is completed; and
- (c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1994, c. 23, s. 32; 2015, c. 26, s. 33 (6).

### **No appeal**

(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32.

### **Declaration**

(22) A sworn declaration by an employee of the municipality or the Ministry of Municipal Affairs and Housing that notice was given under subsection (17) or (24) or that no notice of appeal was filed under subsection (19) or (27) within the time allowed for appeal is conclusive evidence of the facts stated in it. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (7).

### **Change of conditions**

(23) The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given. 1994, c. 23, s. 32.

### **Notice**

(24) If the council or the Minister changes conditions of a provisional consent under subsection (23) after notice has been given under subsection (17), the council or the Minister shall, within 15 days of the decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,

- (a) the applicant;
- (b) each person or public body that made a written request to be notified of changes to the conditions;
- (c) the Minister, with respect to a change of conditions by council, if the Minister has notified the council that he or she wishes to receive a copy of the changes of conditions; and
- (d) any other person or public body prescribed. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (8); 2015, c. 26, s. 33 (7).

(25) REPEALED: 1996, c. 4, s. 29 (9).

### **No notice required**

(26) The council or the Minister, as the case may be, is not required to give written notice under subsection (24) if, in the council's or the Minister's opinion, the change to conditions is minor. 2009, c. 33, Sched. 21, s. 10 (14).

### **Appeal**

(27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (10); 2017, c. 23, Sched. 5, s. 81.

### **Use of dispute resolution techniques**

(27.1) When a notice of appeal is filed under subsection (19) or (27), the council or the Minister may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 33 (8).

### **Notice and invitation**

(27.2) If the council or the Minister decides to act under subsection (27.1),

- (a) the council or Minister shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) the council or Minister shall give an invitation to participate in the dispute resolution process to,
  - (i) as many of the appellants as the council or Minister considers appropriate,
  - (ii) the applicant, if the applicant is not an appellant, and
  - (iii) any other persons or public bodies that the council or Minister considers appropriate. 2015, c. 26, s. 33 (8).

### **Extension of time**

(27.3) When the council or Minister gives a notice under clause (27.2) (a), the 15-day period mentioned in clause (28) (b) and in subsections (29.1) and (29.2) is extended to 75 days. 2015, c. 26, s. 33 (8).

### **Participation voluntary**

(27.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (27.2) (b) is voluntary. 2015, c. 26, s. 33 (8).

### **Record**

(28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that,

- (a) a record is compiled which includes the information and material prescribed; and
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (19) or (27). 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 100 (4).

## Appeals withdrawn

(29) If all appeals under subsection (19) or (27) are withdrawn and the time for appealing has expired, the Tribunal shall notify the council or the Minister, as the case may be, and subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

## Exception

(29.1) Despite clause (28) (b), if all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the clerk of the municipality or the Minister is not required to forward the materials described under clause (28) (b) to the Tribunal. 1999, c. 12, Sched. M, s. 29; 2017, c. 23, Sched. 5, s. 100 (5).

## Decision final

(29.2) If all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council or the Minister, subject to subsection (23), to give or refuse to give a provisional consent is final. 1999, c. 12, Sched. M, s. 29.

## Hearing

(30) On an appeal, the Tribunal shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 100 (6).

## Dismissal without hearing

(31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if,

## ~~Dismissal without hearing~~

~~(31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if,~~

- (a) it is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission;
- (c) the appellant has not provided written reasons for the appeal;
- (d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 100 (6).

## Representation

(32) Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (31) (e). 2000, c. 26, Sched. K, s. 5 (7); 2017, c. 23, Sched. 5, s. 80.

## Dismissal

(32.1) The Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate. 2017, c. 23, Sched. 5, s. 100 (6).

## Decision final

(33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Tribunal shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Powers**

(34) On an appeal under subsection (14) or (19), the Tribunal may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Tribunal shall determine the question as to the condition or conditions appealed to it. 2017, c. 23, Sched. 5, s. 100 (6).

## **Amended application**

(35) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, at any time before issuing its order, written notice is given to the persons and public bodies prescribed under subsection (10) and to any person or public body conferred with under subsection (11) on the original application. 2017, c. 23, Sched. 5, s. 100 (6).

## **No written notice**

(35.1) The Tribunal is not required to give written notice under subsection (35) if, in the opinion of the Tribunal, the amendment to the original application is minor. 2017, c. 23, Sched. 5, s. 100 (6).

## **Notice**

(36) Any person or public body that receives notice under subsection (35) may, not later than 30 days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

## **Order**

(37) If, after the expiry of the time period in subsection (36), no notice of intent has been received, the Tribunal may issue its order. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

## **Notice received**

(38) If a notice of intent under subsection (36) is received, the Tribunal may hold a hearing or resume the hearing on the amended application or issue its order without holding a hearing or resuming the hearing. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (14); 2017, c. 23, Sched. 5, s. 80.

## **Consent**

(39) If the decision of the Tribunal under subsection (34) is that a provisional consent be given, the council or the Minister shall give the consent, but if conditions have been imposed, the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled. 2017, c. 23, Sched. 5, s. 100 (6).

## **Same**

(40) If the decision of the council or the Minister on an application is that provisional consent be given and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given, but if conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled. 1994, c. 23, s. 32.

## **Conditions not fulfilled**

(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).

## **Certificate**

(42) When a consent has been given under this section, the clerk of the municipality or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent. 1994, c. 23, s. 32.

## **Lapse of consent**

(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.



### **Where delegation**

(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. 1994, c. 23, s. 32.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 32 - 28/03/1995; 1996, c. 4, s. 29 (1-14) - 22/05/1996; 1999, c. 12, Sched. M, s. 29 - 22/12/1999

2000, c. 26, Sched. K, s. 5 (7) - 06/12/2000

2004, c. 18, s. 9 - 30/11/2004

2006, c. 23, s. 23 (1-4) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (14) - 15/12/2009

2015, c. 26, s. 33 (1-8) - 01/07/2016

2017, c. 23, Sched. 5, s. 80, 81, 100 (1-6) - 03/04/2018

### **Delegation of authority to give consents**

**54** (1) The council of an upper-tier municipality may by by-law delegate to the council of a lower-tier municipality the authority for the giving of consents under section 53 in respect of land situate in the lower-tier municipality. 2002, c. 17, Sched. B, s. 21 (1).

### **Delegation**

(1.1) The council of a county may by by-law delegate to a municipal planning authority the authority for the giving of consents under section 53 in respect of land in a municipal planning area. 1994, c. 23, s. 33 (2).

### **Further delegation**

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment. R.S.O. 1990, c. P.13, s. 54 (2).

### **Included powers**

(2.1) If council has delegated its authority to give consents under subsection (1), (1.1), (2), (2.3), (4) or (5), that delegation shall be deemed to include the authority to give approvals under subsection 50 (18) and to issue certificates of validation under section 57 in respect of land situate in the lower-tier municipality. 1993, c. 26, s. 61 (1); 1994, c. 23, s. 33 (3); 2002, c. 17, Sched. B, s. 21 (2).

### **Limitation**

(2.2) Section 53 does not apply in the exercise of authority under subsection (2.1) to give approvals under subsection 50 (18) or to issue certificates of validation. 1994, c. 23, s. 33 (4).

### **Further delegation**

(2.3) If authority is delegated to a municipal planning authority under subsection (1.1) or (5) or subsection 50 (1.4), the municipal planning authority may, in turn, by by-law delegate the authority or any part of the authority to a committee of the municipal planning authority or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 33 (5).

(3) REPEALED: 1994, c. 23, s. 33 (6).

### **Delegation to committee of council, etc.**

(4) Except as delegated under subsection (1) or (1.1), the authority or any part of such authority of the council of an upper-tier municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee. R.S.O. 1990, c. P.13, s. 54 (4); 1994, c. 23, s. 33 (7); 2002, c. 17, Sched. B, s. 21 (3).

### **Delegation, single-tier municipalities**

(5) The council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment. 2002, c. 17, Sched. B, s. 21 (4).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Committee of adjustment**

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, section 53 applies with necessary modifications and subsections 45 (4) to (20) do not apply in the exercise of that authority. 1994, c. 23, s. 33 (9).

### **Same**

(6.1) Where, under subsection (2) or (5), a committee of adjustment has the authority to give approvals under subsection 50 (18) and the authority to issue certificates of validation under section 57, subsection 45 (8) applies in the exercise of that authority, but subsections 45 (4) to (7) and (9) to (20) do not apply. 1993, c. 26, s. 61 (3).

### **Conditions**

(7) A delegation of authority made by a council or a municipal planning authority under this section may be subject to such conditions as the council or the municipal planning authority by by-law provides and the council or the municipal planning authority may by by-law withdraw the delegation of authority but, where authority delegated under subsection (1) or (1.1) is withdrawn, all applications for consent, for approval under subsection 50 (18) or for the issuance of a certificate of validation under section 57 made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn. 1994, c. 23, s. 33 (10).

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 61 (1, 3) - 02/12/1993; 1994, c. 23, s. 33 (2-7, 9, 10) - 28/03/1995

2002, c. 17, Sched. B, s. 21 (1-4) - 01/01/2003

### **District land division committee, delegation**

**55** (1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he or she considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 53, the authority to give approvals under subsection 50 (18) or the authority to issue certificates of validation under section 57 in respect of such lands situate in a territorial district as are defined in the order. R.S.O. 1990, c. P.13, s. 55 (1); 1993, c. 26, s. 62 (1).

### **Conditions and withdrawal of delegation**

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation. R.S.O. 1990, c. P.13, s. 55 (2).

### **Body corporate**

(2.1) A district land division committee is a body corporate. 1994, c. 23, s. 34 (1).

### **Application of s. 44**

(3) Where the Minister has delegated his or her authority to a district land division committee under subsection (1), subsections 44 (5), (6), (7), (8), (10) and (11) apply with necessary modifications. R.S.O. 1990, c. P.13, s. 55 (3).

### **Agreements**

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and subsection 51 (26) applies with necessary modifications to any such agreement. R.S.O. 1990, c. P.13, s. 55 (4); 1994, c. 23, s. 34 (2).

### **Remuneration**

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them. R.S.O. 1990, c. P.13, s. 55 (5).

### **Fees**

(6) A district land division committee may prescribe a tariff of fees for the processing of applications, which shall be designed to meet only the anticipated cost to the committee in respect of the processing of applications. 1993, c. 26, s. 62 (2).

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 62 (1, 2) - 02/12/1993; 1994, c. 23, s. 34 (1, 2) - 28/03/1995

### **Land division committee**

**56** (1) The council of an upper-tier municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 56 (1); 2002, c. 17, Sched. B, s. 22.

### **Application of subs. 44 (2-11)**

(2) Subsections 44 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section. R.S.O. 1990, c. P.13, s. 56 (2).

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 22 - 01/01/2003

### **Validation certificate**

**57** (1) A council authorized to give a consent under section 53, other than a council authorized to give a consent pursuant to an order under section 4, may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of section 50 or a predecessor of it or of a by-law passed under a predecessor of section 50 or of an order made under clause 27 (1) (b), as it read on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land. 1993, c. 26, s. 63; 1996, c. 4, s. 30 (1).

### **Limitation**

(2) A certificate of validation under subsection (1) or an order of the Minister under subsection (3) does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which the certificate is issued or order is made. 1993, c. 26, s. 63.

### **Territorial district**

(3) If the Minister has authority to give consents under section 53, the Minister may by order exercise the powers conferred upon a council by subsection (1) in respect of land in a territorial district. 2002, c. 17, Sched. B, s. 23.

### **Proviso**

(4) No order shall be made by the Minister under subsection (3) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, and the council has the power to pass that by-law. 1993, c. 26, s. 63; 2009, c. 33, Sched. 21, s. 10 (15).

### **Conditions**

(5) A council may, as a condition to the passage of a by-law under subsection (4), impose such conditions in respect of any land described in the by-law as it considers appropriate. 1993, c. 26, s. 63.

### **Criteria for consideration**

(6) In considering whether to issue a certificate under subsection (1), regard shall be had to the prescribed criteria. 1993, c. 26, s. 63.

### **Criteria for certificate**

(7) No certificate shall be issued by a council under subsection (1) unless,

- (a) the land described in the certificate conforms with the prescribed criteria; or
- (b) the Minister, by order, has exempted that land from the criteria. 1993, c. 26, s. 63.

### **Conditions**

(8) A council or the Minister may, as a condition to issuing a certificate of validation or order, impose such conditions in respect of any land described in the certificate or order as it considers appropriate. 1993, c. 26, s. 63.

### **Proviso**

(9) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 53. 1993, c. 26, s. 63.

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 63 - 02/12/1993; 1996, c. 4, s. 30 (1) - 22/05/1996

2002, c. 17, Sched. B, s. 23 - 01/01/2003

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2009, c. 33, Sched. 21, s. 10 (15) - 15/12/2009

## **PART VII GENERAL**

### **Acquisition of land**

**58** The *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, applies to the acquisition of land under this Act. 2006, c. 32, Sched. C, s. 47 (12).

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 24 - 01/01/2003

2006, c. 32, Sched. C, s. 47 (12) - 01/01/2007

### **Power to clear, grade, etc., lands acquired**

**59** When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1990, c. P.13, s. 59.

### **Exchange of lands**

**60** When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1990, c. P.13, s. 60.

### **Fair hearing**

**61** Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function. R.S.O. 1990, c. P.13, s. 61.

### **Not subject to Act**

**62** (1) An undertaking of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act. 1998, c. 15, Sched. E, s. 27 (11); 2002, c. 1, Sched. C, s. 4.

### **Subsidiaries included**

(2) For the purposes of subsection (1), a reference to a corporation is deemed to include a subsidiary of that corporation. 1998, c. 15, Sched. E, s. 27 (11).

### **Section Amendments with date in force (d/m/y)**

1998, c. 15, Sched. E, s. 27 (11) - 01/04/1999

2002, c. 1, Sched. C, s. 4 - 27/06/2002

### **Exempt undertakings**

**62.0.1** (1) An undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) it has been approved under Part II or Part II.1 of the *Environmental Assessment Act* or is the subject of,
  - (i) an order under section 3.1 or a declaration under section 3.2 of that Act, or
  - (ii) an exempting regulation made under that Act; and
- (b) a regulation under clause 70 (h) prescribing the undertaking or class of undertakings is in effect. 2006, c. 23, s. 24.

### **Same**

(2) An undertaking referred to in subsection 62 (1) that has been approved under the *Environmental Assessment Act* is not subject to section 113 or 114 of the *City of Toronto Act, 2006*. 2006, c. 23, s. 24.

### **Section Amendments with date in force (d/m/y)**

2006, c. 23, s. 24 - 01/01/2007

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Renewable energy undertakings**

### **Policy statements and provincial plans**

**62.0.2** (1) Despite any Act or regulation, the following do not apply to a renewable energy undertaking, except in relation to a decision under section 28 or Part VI:

1. A policy statement issued under subsection 3 (1).
2. A provincial plan, subject to subsection (2). 2009, c. 12, Sched. K, s. 3.

### **Exception**

(2) Subsection (1) does not apply in respect of,

- (a) the Niagara Escarpment Plan;
- (b) another provincial plan, if the provincial plan is prescribed for the purposes of this subsection; or
- (c) a provision of another provincial plan, if the provision is prescribed for the purposes of this subsection. 2009, c. 12, Sched. K, s. 3.

### **Official plans**

(3) For greater certainty, an official plan does not affect a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **Same**

(4) Section 24 does not apply to,

- (a) the undertaking of a public work that is a renewable energy undertaking or is intended to facilitate or support a renewable energy undertaking;
- (b) the passing of a by-law with respect to a public work described in clause (a); or
- (c) the passing of a by-law that is intended to facilitate or support a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **Demolition control area**

(5) A by-law passed under section 33 does not apply to a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **By-laws and orders under Part V**

(6) A by-law or order passed or made under Part V does not apply to a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **Transition, existing agreements**

(7) An agreement that is entered into under Part V before the day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force applies to a renewable energy project, and to any related renewable energy testing facility and renewable energy testing project, until the day a renewable energy approval is issued under section 47.5 of the *Environmental Protection Act* in relation to the renewable energy project. 2009, c. 12, Sched. K, s. 3.

### **Development permit system**

(8) A regulation or by-law made or passed under section 70.2 does not apply to a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **City of Toronto Act, 2006, ss. 113, 114**

(9) A by-law passed under section 113 or 114 of the *City of Toronto Act, 2006* does not apply to a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

### **Ontario Planning and Development Act, 1994, s. 17**

(10) An order made under section 17 of the *Ontario Planning and Development Act, 1994* does not apply to a renewable energy undertaking. 2009, c. 12, Sched. K, s. 3.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 62.0.2 of the Act is repealed. (See: 2018, c. 16, s. 8 (9))**

### **Section Amendments with date in force (d/m/y)**

2009, c. 12, Sched. K, s. 3 - 24/09/2009

2018, c. 16, s. 8 (9) - not in force

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

## **Variation of notice requirements**

**62.1** The Minister, the council of a municipality or a planning board may by agreement with a First Nation vary or waive the prescribed notice requirements to a band in respect of an official plan, a zoning by-law or any application under this Act. 1994, c. 23, s. 37.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 37 - 28/03/1995

## **Deemed compliance**

**63** If the Minister, the council of a municipality, a planning board or the Tribunal exercises any authority under this Act, including giving an approval, an exemption from an approval or a consent, the provisions of this Act that relate to or are requirements for the exercise of the authority shall be deemed to have been complied with upon the decision becoming final. 1996, c. 4, s. 32; 1999, c. 12, Sched. M, s. 30; 2017, c. 23, Sched. 5, s. 80.

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 32 - 22/05/1996; 1999, c. 12, Sched. M, s. 30 - 22/12/1999

2017, c. 23, Sched. 5, s. 80 - 03/04/2018

**64** REPEALED: 2009, c. 33, Sched. 2, s. 59 (1).

### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 2, s. 59 (1) - 15/12/2009

## **Discretionary dispute resolution techniques**

**65** The Minister, the council of a municipality, a local board, a planning board or the Tribunal or their agents shall, if they consider it appropriate, at any time before a decision is made under this Act, use mediation, conciliation or other dispute resolution techniques to attempt to resolve concerns or disputes in respect of any planning application or matter. 1994, c. 23, s. 39; 2017, c. 23, Sched. 5, s. 80.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 39 - 28/03/1995

2017, c. 23, Sched. 5, s. 80 - 03/04/2018

## **Effect where authority delegated**

**66** If the Minister or the council delegates an authority under this Act, including the authority to give an approval, an exemption from an approval or a consent, the exercise of the authority and the decision of the delegate has the same force and effect as if it were the exercise of authority or the decision of the Minister or the council, as the case may be. 1996, c. 4, s. 33.

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 33 - 22/05/1996

## **Penalty**

**67** (1) Every person who contravenes section 41, section 46, subsection 49 (4) or section 52 or who contravenes a by-law passed under section 34 or 38 or an order made under section 47 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,

- (a) on a first conviction to a fine of not more than \$25,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. 1994, c. 2, s. 48.

## **Corporation**

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.



### **Order of prohibition**

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. R.S.O. 1990, c. P.13, s. 67 (2, 3).

### **Section Amendments with date in force (d/m/y)**

1994, c. 2, s. 48 - 14/07/1994

### **Proceeds of fines**

**67.1** If an offence has been committed under section 41, 52 or 67 or under a by-law passed under section 34 or 38, and a proceeding in respect of the offence is undertaken by the municipality or planning board and a conviction has been entered, the proceeds of any fine in relation to the offence shall be paid to the treasurer of the municipality or secretary-treasurer of the planning board and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. 1996, c. 4, s. 34; 1997, c. 24, s. 226 (8).

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 34 - 22/05/1996; 1997, c. 24, s. 226 (8) - 17/06/1998

### **Exception**

**68** (1) Despite section 53 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any employee of a municipality or of a planning board who declares that such information is required in the course of his or her planning duties. R.S.O. 1990, c. P.13, s. 68 (1); 1994, c. 23, s. 41 (1).

### **Offence**

(2) An employee of a municipality or of a planning board who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his or her duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. P.13, s. 68 (2); 1994, c. 23, s. 41 (2).

### **Exception**

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration. R.S.O. 1990, c. P.13, s. 68 (3).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 41 (1, 2) - 28/03/1995

### **Tariff of fees**

**69** (1) The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff. R.S.O. 1990, c. P.13, s. 69 (1); 1996, c. 4, s. 35 (1).

### **Reduction or waiver of fees**

(2) Despite a tariff of fees established under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff. R.S.O. 1990, c. P.13, s. 69 (2); 1996, c. 4, s. 35 (2).

### **Same**

(2.1) Despite a tariff of fees established under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee, in processing an application related to development or redevelopment that will include affordable housing units, shall not require the payment of a fee that is greater than the maximum fee prescribed for the type of application being made. 2016, c. 25, Sched. 4, s. 9.

### **Payment under protest: appeal to L.P.A.T.**

(3) Any person who is required to pay a fee under subsection (1) for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Tribunal against the levying of the fee or the

amount of the fee by giving written notice of appeal to the Tribunal within thirty days of payment of the fee. 2017, c. 23, Sched. 5, s. 101.

### **Hearing**

(4) The Tribunal shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Tribunal determines. 2017, c. 23, Sched. 5, s. 101.

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 35 (1-3) - 22/05/1996

2016, c. 25, Sched. 4, s. 9 - 12/04/2018

2017, c. 23, Sched. 5, s. 101 - 03/04/2018

### **Fees**

**69.1** (1) The Minister may charge fees for the processing of applications to the Minister in respect of planning matters including the approval of an official plan or official plan amendment. 1993, c. 26, s. 64 ; 1994, c. 23, s. 42.

### **Same**

(2) The Minister may reduce the amount of or waive the payment of a fee described under subsection (1). 1993, c. 26, s. 64.

### **Section Amendments with date in force (d/m/y)**

1993, c. 26, s. 64 - 02/12/1993; 1994, c. 23, s. 42 - 28/03/1995

### **Fees**

**69.2** (1) If a prescribed municipality fails to adopt a plan and submit it for approval as an official plan, the Minister may charge fees to the municipality for the processing of planning applications by the Minister in respect of land situate in the municipality, including the approval of an official plan or official plan amendment. 1994, c. 23, s. 43; 2002, c. 17, Sched. B, s. 25.

### **Reduction**

(2) The Minister may reduce the amount of or waive the payment of a fee described under subsection (1). 1994, c. 23, s. 43.

### **Proviso**

(3) Nothing in this section prevents the Minister from charging a fee under section 69.1 in addition to a fee under this section. 1994, c. 23, s. 43.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 43 - 28/03/1995

2002, c. 17, Sched. B, s. 25 - 01/01/2003

### **General regulations, Lieutenant Governor in Council**

**70** The Lieutenant Governor in Council may make regulations,

- (a) prescribing criteria for the purposes of subsection 45 (1.0.1);
- (b)-(f) REPEALED: 1996, c. 4, s. 36.
- (g) prescribing the form of a warrant and the form in which the information on oath will be taken under section 49.1;
- (h) for the purposes of section 62.0.1, prescribing an undertaking or class of undertakings that relates to energy. 1994, c. 23, s. 44; 1996, c. 4, s. 36; 2006, c. 23, s. 25; 2015, c. 26, s. 34.

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 44 - 28/03/1995; 1996, c. 4, s. 36 - 22/05/1996

2006, c. 23, s. 25 - 01/01/2007

2015, c. 26, s. 34 - 01/07/2016

### **General regulations, Minister**

**70.1** (1) The Minister may make regulations,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

1. prescribing forms for the purposes of this Act and providing for their use;
2. prescribing information and material that are to be provided under this Act and the manner in which they are to be provided;
3. prescribing the manner in which any notice is to be given under this Act, including the persons or public bodies to whom it shall be given, the person or public bodies who shall give the notice and the contents of the notice;
4. prescribing the timing requirements for any notice given under any provision of this Act;
5. prescribing information and material that must be included in any record;
6. prescribing plans or policies and provisions of those plans or policies for the purposes of clause (f) of the definition of “provincial plan” in subsection 1 (1);
7. prescribing any ministry of the Province of Ontario to be a public body under subsection 1 (3);
8. excluding any board, commission, agency or official from the definition of “public body” under subsection 1 (4);
9. prescribing conditions for the purpose of subsection 8.1 (1);
10. prescribing a term for the purpose of clause 8.1 (3) (a) and qualifications for the purpose of clause 8.1 (3) (b);
11. prescribing eligibility criteria for the purpose of subsection 8.1 (4);
12. prescribing classes for the purpose of clause 8.1 (5) (c);
13. prescribing requirements for the purpose of subsection 8.1 (8);
14. prescribing the methods for determining the number of members from each municipality to be appointed to a municipal planning authority under subsection 14.1 (5);
15. prescribing matters for the purpose of clause 16 (1) (c) and for the purpose of clause 16 (2) (c);
- 15.1 prescribing municipalities for the purpose of subsection 16 (4);
- 15.2 in the case of municipalities prescribed for the purpose of subsection 16 (4),
  - i. governing the time within which each municipality must submit an official plan containing policies that authorize inclusionary zoning for approval by the approval authority, and
  - ii. governing the time within which each municipality must pass one or more by-laws under section 34 to give effect to those policies;
- 15.3 prescribing provisions and matters relating to the policies described in subsection 16 (4), for the purpose of subsection 16 (7);
- 15.4 specifying that a by-law passed under section 34 to give effect to policies described in subsection 16 (4) does not apply to development or classes of development specified in the regulation and specifying the circumstances in which the by-law does not apply;
16. prescribing the processes to be followed and the materials to be developed under section 16.1;
17. prescribing municipalities for the purposes of subsection 17 (13) and section 69.2;
18. prescribing information and material for the purposes of clauses 17 (15) (a) and (b), public bodies for the purposes of clause 17 (15) (b) and the manner of making information and material available for the purposes of clause 17 (15) (c);
19. prescribing, for the purposes of clauses 17 (17) (a) and (b), clause 22 (6.4) (a), clause 34 (10.7) (a), clauses 34 (13) (a) and (b) and clause 51 (19.4) (a),
  - i. persons and public bodies,
  - ii. the manner of giving notice, and
  - iii. information;
20. prescribing time periods for the purpose of subsections 17 (44.4), 34 (24.4) and 51 (52.4);
21. prescribing public bodies for the purpose of clause 26 (3) (a);
22. prescribing upper-tier municipalities for the purpose of subsection 28 (2);
23. prescribing matters for the purpose of subsection 28 (4.0.1);

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- 23.1 prescribing provisions and matters relating to loading or parking facilities, for the purpose of subsection 34 (5.1);
- 23.2 respecting minimum parking requirements, including setting out minimum parking requirements for specified lands, buildings or structures or providing that there is no minimum parking requirement for specified lands, buildings or structures;
- 24. prescribing conditions for the purpose of subsection 34 (16) and limitations for the purpose of subsection 34 (16.1);
- 24.0.1 governing the provisions of an agreement described in clause 35.2 (2) (i);
  - 24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);
  - 24.1.1 prescribing facilities, services or matters for the purposes of paragraph 2 of subsection 37 (5);
  - 24.1.2 prescribing requirements for the purposes of clause 37 (9) (b);
  - 24.1.3 prescribing the percentage referred to in subsection 37 (12) to be applied to the value of land;
  - 24.1.4 prescribing time periods for the purposes of clause 37 (13) (b) and subsections 37 (15) and (19);
  - ~~24.1 prescribing information for the purposes of clause 37 (8) (c);~~
  - ~~24.2 prescribing information for the purposes of clause 42 (18) (c);~~
- 25. prescribing rules of procedure for committees of adjustment;
- 26. prescribing criteria for the purposes of subsection 50 (18.1) and subsection 57 (6);
- 27. requiring that notice be given under subsections ~~51 (20) and~~ 53 (5);
- 28. prescribing rules of procedure under subsection 53 (9) for councils and their delegates;
- 29. prescribing persons or public bodies for the purposes of subsection 53 (10);
- 30. prescribing rules of procedure for district land division committees constituted under section 55;
- 30.1 for the different types of applications related to development or redevelopment that will include affordable housing units, prescribing a maximum fee that may be charged with respect to each type of application, for the purpose of subsection 69 (2.1);
- 31. respecting any other matter that this Act refers to as a matter prescribed, specified or determined under the regulations, or as a matter otherwise dealt with by the regulations, other than matters respecting which the Lieutenant Governor in Council has authority to make regulations under sections sections 70, 70.2 and 70.370 and 70.2, subsection 70.2.2 (5) and section 70.3. 2006, c. 23, s. 26; 2015, c. 26, s. 35; 2016, c. 25, Sched. 4, s. 10 (1-6).

**Same**

(2) A regulation made under this section or section 70 may be general or particular in its application. 1994, c. 23, s. 45.

**Same**

(3) A regulation made under paragraph 30.1 of subsection (1) may provide that a maximum fee for a particular type of application is nil. 2016, c. 25, Sched. 4, s. 10 (7).

**Same**

(3.1) A regulation made under paragraph 24.1.3 of subsection (1) may prescribe different percentages for different municipalities or classes of municipalities and for different values of land.

**Conflict**

(4) In the event of a conflict between a regulation made under paragraph 23.2 of subsection (1) and a by-law passed by a municipality under paragraph 6 of subsection 34 (1), or a predecessor thereof, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect. 2016, c. 25, Sched. 4, s. 10 (8).

**Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 45 - 28/03/1995; 1996, c. 4, s. 37 (1, 2) - 22/05/1996

2002, c. 17, Sched. B, s. 26 - 01/01/2003

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2006, c. 23, s. 26 - 01/01/2007

2015, c. 26, s. 35 (1, 2) - 01/07/2016

2016, c. 25, Sched. 4, s. 10 (1-8) - 12/04/2018

### **Regulations re development permit system**

**70.2** (1) The Lieutenant Governor in Council may, by regulation,

- (a) establish a development permit system that local municipalities may by by-law adopt to control land use development in the municipality; or
- (b) delegate to local municipalities the power to establish a development permit system upon such conditions as may be set out in the regulation. 1994, c. 23, s. 46.

### **Contents**

(2) A regulation under subsection (1) may,

- (a) vary, supplement or override any provision in Part V or any municipal by-law passed under Part V as necessary to establish a development permit system;
- (b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system;
- (c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation;
- (d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation;
- (e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard;
- (f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established;
- (g) prescribe conditions or criteria that must be met before a municipality passes a by-law adopting or establishing a development permit system;
- (h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit;
- (i) prescribe powers that the municipality may exercise in administering a development permit system;
- (j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass by-laws adopting or establishing a development permit system;
- (k) establish different standards or procedures for different municipalities or classes of municipalities;
- (l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties;
- (m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit;
- (n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area;
- (o) prescribe provisions that must be contained in a development permit system;
- (p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law;
- (q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system. 1994, c. 23, s. 46; 2015, c. 26, s. 36 (1); 2017, c. 23, Sched. 5, s. 102.

### **Same, five-year period**

(2.1) A regulation under subsection (1) may,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (a) provide that when a by-law adopting or establishing a development permit system is passed, no person or public body shall apply to amend the relevant official plan with respect to policies prescribed under clause (2) (f) before the fifth anniversary of the day the by-law is passed;
- (b) provide that no person or public body shall apply to amend a by-law adopting or establishing a development permit system before the fifth anniversary of the day the by-law is passed;
- (c) provide that a prohibition provided under clause (a) or (b) does not apply in respect of an application if the council has declared by resolution that such an application is permitted. 2015, c. 26, s. 36 (2).

**Same**

(3) A regulation under this section may be general or particular in its application and may be restricted to those municipalities set out in the regulation. 1994, c. 23, s. 46.

**Conflicts**

(4) A regulation made under this section prevails over the provisions of any other Act that are specified in the regulation. 1994, c. 23, s. 46.

**Registration of agreement**

(5) An agreement entered into under clause (2) (m) may be registered against the land to which it applies and the municipality may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 1994, c. 23, s. 46; 2006, c. 23, s. 27.

**Deemed conformity with official plan**

(6) If a development permit by-law is passed under this section by the council of a municipality in which an official plan is in effect, subsection 24 (4) applies to the by-law in the same manner as if it were a by-law passed under section 34. 1994, c. 23, s. 46.

**Conformity with upper tier plans**

(7) If an approval authority has approved an official plan adopted by an upper-tier municipality, every development permit by-law that is then in effect in the area affected by the plan shall be amended to conform with the plan and subsections 27 (2) to (4) apply, with necessary modifications, to the amendment. 1994, c. 23, s. 46; 2002, c. 17, Sched. B, s. 27.

**Offence**

(8) Every person who contravenes a development permit by-law passed under this section or the conditions of a development permit is guilty of an offence and on conviction is liable to the fines set out in section 67 and section 67 applies to the offence. 1994, c. 23, s. 46.

**Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 46 - 28/03/1995

2002, c. 17, Sched. B, s. 27 - 01/01/2003

2006, c. 23, s. 27 - 01/01/2007

2015, c. 26, s. 36 (1, 2) - 01/07/2016

2017, c. 23, Sched. 5, s. 102 - 03/04/2018

**Use of alternate terminology**

**70.2.1** (1) A regulation made under subsection 70.2 (1), an order made under section 70.2.2 or a by-law passed under section 70.2 or 70.2.2 may refer to development permits as community planning permits. 2015, c. 26, s. 37.

**Same**

(2) When a regulation, order or by-law refers to development permits as community planning permits, as described in subsection (1),

- (a) the effect of the regulation, order or by-law is the same for all purposes as if the expression “development permit” were used; and
- (b) a permit that is referred to as a community planning permit is a development permit for all purposes. 2015, c. 26, s. 37.



## Same

(3) Subsections (1) and (2) also apply with respect to combined expressions such as “development permit system” and “development permit by-law”. 2015, c. 26, s. 37.

### Section Amendments with date in force (d/m/y)

2015, c. 26, s. 37 - 01/07/2016

#### Orders re development permit system

70.2.2 (1) The Minister may, by order, require a local municipality to adopt or establish a development permit system that applies to,

- (a) the area specified in the order, in the case of an order that delineates the area’s boundaries; or
- (b) an area surrounding and including a specified location, in the case of an order that does not delineate the area’s boundaries.

#### Non-application of Legislation Act, 2006, Part III

(2) Part III (Regulations) of the Legislation Act, 2006 does not apply to an order made under subsection (1).

#### Effect of order under cl. (1) (a)

(3) When an order made under clause (1) (a) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of the area referred to in clause (1) (a).

#### Effect of order under cl. (1) (b)

(4) When an order made under clause (1) (b) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of,

- (a) the specified location referred to in clause (1) (b); and
- (b) an area surrounding the specified location referred to in clause (1) (b).

#### Determination of boundaries

(5) For the purposes of clause (4) (b), the local municipality has discretion to determine the boundaries of the area that is to be governed by the development permit system.

### ~~Orders and by-laws re development permit system~~

#### ~~Orders~~

~~70.2.2 (1) The Minister may, by order,~~

- ~~—(a) require a local municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5); or~~
- ~~—(b) require an upper tier municipality to act under subsection (3). 2015, c. 26, s. 37.~~

#### ~~Non-application of Legislation Act, 2006, Part III~~

~~(2) Part III (Regulations) of the Legislation Act, 2006 does not apply to an order made under subsection (1). 2015, c. 26, s. 37.~~

#### ~~By-laws~~

~~(3) An upper tier municipality may, by by-law, require a local municipality that is its lower tier municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5). 2015, c. 26, s. 37.~~

#### ~~Effect of order or by-law~~

~~(4) When an order made under subsection (1) or a by-law passed under subsection (3) is in effect, the local municipality,~~

- ~~—(a) shall adopt or establish a development permit system; and~~
- ~~—(b) has discretion to determine what parts of its geographic area are to be governed by the development permit system. 2015, c. 26, s. 37.~~

#### ~~Regulations~~

~~(5) The Lieutenant Governor in Council may, by regulation, specify purposes in respect of which orders and by-laws requiring the adoption or establishment of development permit systems may be made under subsections (1) and (3). 2015, c. 26, s. 37.~~

### Section Amendments with date in force (d/m/y)

2015, c. 26, s. 37 - 01/07/2016

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Regulations re sewage and water services**

**70.3** (1) The Lieutenant Governor in Council may by regulation authorize municipalities to pass by-laws establishing a system for allocating sewage and water services to land that is the subject of an application under section 51 upon such conditions as may be set out in the regulation. 1994, c. 23, s. 47.

#### **Contents of regulations**

- (2) A regulation under subsection (1) may,
- (a) prescribe conditions or criteria that must be met before a municipality passes a by-law establishing a system;
  - (b) prescribe powers that the municipality may exercise in administering the system including the power to issue permits or collect fees;
  - (c) prescribe policies that must be contained in an official plan before a system may be established;
  - (d) require that the official plan of the municipality contain policies regarding the allocation of services;
  - (e) authorize the by-law to apply to any class of plan of subdivision or description under the *Condominium Act, 1998* in respect of which draft approval was given before or after the by-law was passed; and
  - (f) provide for transitional matters that may be necessary to implement a system. 1994, c. 23, s. 47; 2015, c. 28, Sched. 1, s. 155 (2).

#### **Same**

(3) A regulation under this section may be general or particular in its application and may be restricted to those municipalities set out in the regulation. 1994, c. 23, s. 47.

#### **Applications**

(3.1) Despite sections 74 and 74.1, a regulation under this section may apply to any application for approval of a plan of subdivision or an application for approval of a condominium description under the *Condominium Act, 1998* in respect of which draft approval was given before or after this subsection came into force. 1996, c. 4, s. 38; 2015, c. 28, Sched. 1, s. 155 (2).

#### **Conflicts**

(4) A regulation made under this section prevails over the provisions of any other Act that are specified in the regulation. 1994, c. 23, s. 47.

#### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 47 - 28/03/1995; 1996, c. 4, s. 38 - 22/05/1996

2015, c. 28, Sched. 1, s. 155 (2) - 03/12/2015

### **Regulations re transitional and other matters, 2004 amendments**

- 70.4** (1) The Minister may make regulations,
- (a) providing for transitional matters respecting matters and proceedings that were commenced before or after the *Strong Communities (Planning Amendment) Act, 2004* came into force;
  - (b) modifying or replacing all or any part of the definition of “area of settlement” in subsection 1 (1). 2004, c. 18, s. 10.

#### **Same**

- (2) Without limiting clause (1) (a), a regulation under that clause may,
- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day immediately before the *Strong Communities (Planning Amendment) Act, 2004* came into force and which matters and proceedings must be continued and disposed of under this Act as it read on the day the *Strong Communities (Planning Amendment) Act, 2004* came into force;
  - (b) for the purpose of clause (1) (a), deem a matter or proceeding to have been commenced on the date or in the circumstances prescribed in the regulation. 2004, c. 18, s. 10.

#### **Retroactive**

(3) A regulation under this section may be retroactive to December 15, 2003. 2004, c. 18, s. 10.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Scope**

(4) A regulation under this section may be general or particular in its application. 2004, c. 18, s. 10.

### **Conflict**

(5) A regulation under clause (1) (a) prevails over any provision of this Act specifically mentioned in the regulation. 2004, c. 18, s. 10.

### **Section Amendments with date in force (d/m/y)**

2004, c. 18, s. 10 - 15/12/2003

### **Regulations re transitional and other matters, 2006 amendments**

**70.5** (1) The Minister may make regulations,

- (a) providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date;
- (b) modifying or replacing all or any part of the definition of “area of employment” in subsection 1 (1). 2006, c. 23, s. 28.

### **Same**

(2) A regulation under clause (1) (a) may, without limitation,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act as it read on the effective date;
- (b) for the purpose of clause (1) (a), deem a matter or proceeding to have been commenced on the date or in the circumstances prescribed in the regulation. 2006, c. 23, s. 28.

### **Retroactive**

(3) A regulation under clause (1) (a) may be retroactive to December 12, 2005. 2006, c. 23, s. 28.

### **Scope**

(4) A regulation under this section may be general or particular in its application. 2006, c. 23, s. 28.

### **Conflict**

(5) A regulation under clause (1) (a) prevails over any provision of this Act specifically mentioned in the regulation. 2006, c. 23, s. 28.

### **Definition**

(6) In this section,

“effective date” means the date on which section 28 of the *Planning and Conservation Land Statute Law Amendment Act, 2006* comes into force. 2006, c. 23, s. 28.

### **Section Amendments with date in force (d/m/y)**

2006, c. 23, s. 28 - 01/01/2007

### **Regulations re transitional matters, 2015 amendments**

**70.6** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date. 2015, c. 26, s. 38.

### **Same**

(2) A regulation under subsection (1) may, without limitation,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it read on the effective date;
- (b) for the purpose of that subsection, deem a matter or proceeding to have been commenced on the date or in the circumstances prescribed in the regulation. 2015, c. 26, s. 38.

### **Conflict**

(3) A regulation under subsection (1) prevails over any provision of this Act specifically mentioned in the regulation. 2015, c. 26, s. 38.

### **Definition**

(4) In this section,

“effective date” means the date on which section 38 of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 38.

### **Section Amendments with date in force (d/m/y)**

2015, c. 26, s. 38 - 01/07/2016

### **Regulations re transitional matters, 2016 amendments**

**70.7** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date. 2016, c. 25, Sched. 4, s. 11.

### **Same**

(2) A regulation made under this section may, without limitation,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it read on the effective date;
- (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation. 2016, c. 25, Sched. 4, s. 11.

### **Retroactive**

(3) A regulation made under this section may be retroactive to September 14, 2016. 2016, c. 25, Sched. 4, s. 11.

### **Conflict**

(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. 2016, c. 25, Sched. 4, s. 11.

### **Definition**

(5) In this section,

“effective date” means the date on which section 4 of Schedule 4 to the *Promoting Affordable Housing Act, 2016* comes into force. 2016, c. 25, Sched. 4, s. 11.

### **Section Amendments with date in force (d/m/y)**

2016, c. 25, Sched. 4, s. 11 - 12/04/2018

### **Regulations re transitional matters, 2017 amendments**

**70.8** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date. 2017, c. 23, Sched. 3, s. 17.

### **Same**

(2) A regulation made under this section may, without limitation,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it read on the effective date;
- (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation. 2017, c. 23, Sched. 3, s. 17.

### **Same**

(3) If a regulation under this section provides for a matter or proceeding to be continued and disposed of in accordance with this Act as it read on the effective date where the notice of appeal was filed after the day on which the *Building Better Communities and Conserving Watersheds Act, 2017* receives Royal Assent but before the effective date, the regulation may also,

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (a) deem that the appeal was not made;
- (b) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;
- (c) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal;
- (d) deem an appeal to have been dismissed where the new notice of appeal was not received within the period of time specified in the notice;
- (e) provide that specified provisions of the Act do not apply to matters and proceedings for a period of time specified in the regulations;
- (f) provide rules regarding the application of timelines specified in a regulation under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* to specified appeals;
- (g) provide that, despite the *Local Planning Appeal Tribunal Act, 2017*, an appellant is not required to pay a fee charged under that Act. 2017, c. 23, Sched. 3, s. 17.

**Conflict**

(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. 2017, c. 23, Sched. 3, s. 17.

**Definition**

(5) In this section,

“effective date” means the date on which section 17 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force. 2017, c. 23, Sched. 3, s. 17.

**Conflict**

(6) No cause of action arises as a direct or indirect result of,

- (a) the enactment of this section;
- (b) the making or revocation of any provision of a regulation made under this section; or
- (c) anything done or not done in accordance with this section or a regulation made under it. 2017, c. 23, Sched. 3, s. 17.

**No remedy**

(7) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (6). 2017, c. 23, Sched. 3, s. 17.

**Proceedings barred**

(8) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (6) may be brought or maintained against any person. 2017, c. 23, Sched. 3, s. 17.

**Same**

(9) Subsection (8) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this Act. 2017, c. 23, Sched. 3, s. 17.

**Proceedings set aside**

(10) Any proceeding referred to in subsection (8) commenced before the day section 17 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force shall be deemed to have been dismissed, without costs, on the day that provision comes into force. 2017, c. 23, Sched. 3, s. 17.

**No expropriation or injurious affection**

(11) Nothing done or not done in accordance with this Act or the regulations made under it constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2017, c. 23, Sched. 3, s. 17.

**Person defined**

(12) In this section.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

“person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents. 2017, c. 23, Sched. 3, s. 17.

**Section Amendments with date in force (d/m/y)**

2017, c. 23, Sched. 3, s. 17 - 03/04/2018

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2018, c. 16, s. 8 (10))**

**Regulations re transitional matters, 2018 amendments**

**70.9** (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by the *Green Energy Repeal Act, 2018*. 2018, c. 16, s. 8 (10).

**Same**

(2) A regulation made under subsection (1) may, without limitation, provide that, despite its repeal by subsection 8 (9) of the *Green Energy Repeal Act, 2018*, section 62.0.2 of this Act as it reads immediately before its repeal applies, for a specified period of time and with necessary modifications, to specified renewable energy undertakings or specified classes of renewable energy undertakings or in specified circumstances. 2018, c. 16, s. 8 (10).

**Conflict**

(3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. 2018, c. 16, s. 8 (10).

**Retroactive effect**

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed. 2018, c. 16, s. 8 (10).

**No cause of action**

- (5) No cause of action arises as a direct or indirect result of,
- (a) the repeal of section 62.0.2;
  - (b) the making or revocation of any provision of a regulation made under this section;
  - (c) anything done or not done under this section or a regulation made under it; or
  - (d) any by-law or order that applies to any person as a direct or indirect result of anything referred to in clauses (a) to (c).
- 2018, c. 16, s. 8 (10).

**No remedy**

(6) No costs, compensation, other than any compensation provided for under a regulation under subsection (1), or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, is available to any person in connection with anything referred to in subsection (5). 2018, c. 16, s. 8 (10).

**Proceedings barred**

(7) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, that is directly or indirectly based on or related to anything referred to in subsection (5) may be brought or maintained against any person. 2018, c. 16, s. 8 (10).

**Application**

(8) Subsection (7) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada. 2018, c. 16, s. 8 (10).

**Retrospective effect**

(9) Subsections (7) and (8) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day subsection 8 (10) of the *Green Energy Repeal Act, 2018* comes into force. 2018, c. 16, s. 8 (10).



### **Proceedings set aside**

(10) Any proceeding referred to in subsection (7) or (8) that is commenced before the day subsection 8 (10) of the *Green Energy Repeal Act, 2018* comes into force is deemed to have been dismissed, without costs, on the day that provision comes into force. 2018, c. 16, s. 8 (10).

### **No expropriation or injurious affection**

(11) Nothing referred to in subsection (5) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2018, c. 16, s. 8 (10).

### **Person defined**

(12) In this section,

“person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents. 2018, c. 16, s. 8 (10).

### **Section Amendments with date in force (d/m/y)**

2018, c. 16, s. 8 (10) - not in force

#### Regulations re transitional matters, 2019 amendments

70.10 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

#### Same

(2) A regulation made under this section may, without limitation,

(a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

(b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

#### Same

(3) If a regulation under this section provides for a matter or proceeding to be continued and disposed of under this Act, as it reads on and after the effective date, where the notice of appeal was filed under subsection 17 (24) or (36), 22 (7) or 34 (11) or (19) before the effective date, the regulation may also,

(a) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;

(b) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal in the notice required under clause (a);

(c) deem an appeal to have been dismissed where the new notice of appeal was not received within the period of time specified by the Tribunal in the notice required under clause (a);

(d) provide that, despite the *Local Planning Appeal Tribunal Act, 2017*, an appellant is not required to pay a fee charged under that Act.

#### Conflict

(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

#### Definition

(5) In this section,

“effective date” means the day section 20 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the *More Homes, More Choice Act, 2019*, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Conflict**

**71** In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. R.S.O. 1990, c. P.13, s. 71.

### **Repeal of joint official plans**

**72** (1) REPEALED: 1994, c. 23, s. 48.

### **Repeal of joint official plans**

(2) Unless continued in force by an order made by the Minister under subsection (3), every official plan of a joint planning area, other than an official plan that was adopted by the council of a county and other than an official plan of a joint planning area in a territorial district, that was in effect immediately before the 1st day of August, 1983, shall be deemed to have been repealed two years from that day, if not sooner repealed.

### **Continuation of joint official plans**

(3) The Minister may by order provide for the remaining in force of any joint official plan or part or parts thereof that would otherwise be deemed to be repealed under subsection (2) and in such order may make such provision for the effectual continuation of such plan or the part or parts thereof as the Minister considers necessary, including provision for the allocation of the plan or part or parts thereof to any local municipality or county situate wholly or partly within the area to which the plan applies.

### **Amendment or repeal**

(4) The Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan. R.S.O. 1990, c. P.13, s. 72 (2-4).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 48 - 28/03/1995

### **Continuation**

**72.1** Even though this Act may be amended after an official plan came into effect, the official plan remains in effect but may be amended or repealed in accordance with this Act as amended. 1996, c. 4, s. 39.

### **Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 39 - 22/05/1996

### **Planning areas and boards dissolved**

**73** (1) Except as provided in subsection (3), on the 1st day of August, 1983, all planning areas including joint planning areas and subsidiary planning areas together with the planning boards thereof were dissolved. R.S.O. 1990, c. P.13, s. 73 (1).

### **Assets and liabilities**

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Tribunal, upon the application of one or more of the municipalities, shall direct a final disposition thereof. R.S.O. 1990, c. P.13, s. 73 (2); 2017, c. 23, Sched. 5, s. 80.

### **Planning areas that are continued**

(3) Each planning area that immediately before the 1st day of August, 1983, consisted of the whole of two or more municipalities that are situate in a territorial district or consisted of the whole of one or more municipalities and territory without municipal organization or consisted solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister. R.S.O. 1990, c. P.13, s. 73 (3).

### **Planning boards that are continued**

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister. R.S.O. 1990, c. P.13, s. 73 (4).

### **Section Amendments with date in force (d/m/y)**

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

### **Transition**

**74 (1)** In this section,

“former Act” means *The Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980. R.S.O. 1990, c. P.13, s. 74 (1).

### **Matters, etc., continued**

(2) Despite the repeal of the former Act by section 73 of the *Planning Act, 1983*, being chapter 1, any matter or proceeding mentioned in subsection (3) that was commenced under the former Act before the 1st day of August, 1983, shall be continued and finally disposed of under the former Act. R.S.O. 1990, c. P.13, s. 74 (2).

### **When matters, etc., deemed commenced**

- (3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,
- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
  - (b) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
  - (c) subdivision of land under section 36 of the former Act, on the day the application is made under subsection (1) of that section;
  - (d) a zoning by-law or an amendment thereto, on the day the by-law is passed;
  - (e) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;
  - (f) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
  - (g) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made. R.S.O. 1990, c. P.13, s. 74 (3).

### **Request to amend official plan**

- (4) Despite clause (3) (a), where a request to initiate an amendment to an official plan was received by a council before the 1st day of August, 1983,
- (a) if the council refuses to propose the amendment or fails to propose it within thirty days from the receipt of the request and the person who made the request requests the Minister to refer the proposal to the Tribunal, the matter shall be continued and finally disposed of under the former Act; or
  - (b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council. R.S.O. 1990, c. P.13, s. 74 (4); 2009, c. 33, Sched. 2, s. 59 (2); 2017, c. 23, Sched. 5, s. 103 (1).

### **Report of planning board**

(5) In the case of a request to initiate an amendment to an official plan that is continued and finally disposed of under the former Act as mentioned in subsection (4), section 17 of the former Act pertaining to the obtaining of a planning board report do not apply. R.S.O. 1990, c. P.13, s. 74 (5).

### **Request to amend zoning by-law**

- (6) Despite clause (3) (d), where an application to amend a zoning by-law was received by a council before the 1st day of August, 1983,
- (a) if the council refuses the application or refuses or neglects to make a decision thereon within one month after the receipt of the application and the applicant appeals to the Tribunal, the matter shall be continued and finally disposed of under the former Act;
  - (b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council. R.S.O. 1990, c. P.13, s. 74 (6); 2009, c. 33, Sched. 2, s. 59 (3); 2017, c. 23, Sched. 5, s. 103 (2).

### **Section Amendments with date in force (d/m/y)**

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

2009, c. 33, Sched. 2, s. 59 (2, 3) - 15/12/2009

2017, c. 23, Sched. 5, s. 80, 103 (1, 2) - 03/04/2018

### **Transition**

**74.1** (1) Any matter or proceeding mentioned in subsection (2) that was commenced before March 28, 1995 shall be continued and finally disposed of under this Act as it read on March 27, 1995. 1996, c. 4, s. 40 (1).

### **Same**

- (2) For the purposes of subsection (1), a matter or proceeding shall be deemed to have been commenced, in the case of,
- (a) an official plan or an amendment to it or a repeal of it, on the day the by-law adopting the plan or adopting the amendment or repeal of the plan is passed;
  - (b) a request for an official plan amendment by any person or public body, on the day the request was received, whether or not the official plan amendment is adopted;
  - (c) a zoning by-law or an amendment to it, on the day the by-law is passed;
  - (d) an application for an amendment to a zoning by-law that has been refused or has not been decided before the day this section comes into force, on the day the application is made;
  - (e) development in a site plan control area, on the day the application under subsection 41 (4) is made;
  - (f) an application for a minor variance under section 45, on the day the application is made;
  - (g) an application to amend or revoke an order under section 47, on the day the application is made;
  - (h) an application for the approval of a plan of subdivision under section 51, on the day the application is made; and
  - (i) an application for a consent under section 53, on the day the application is made. 1994, c. 23, s. 50; 1996, c. 4, s. 40 (2).

### **Section Amendments with date in force (d/m/y)**

1994, c. 23, s. 50 - 28/03/1995; 1996, c. 4, s. 40 (1, 2) - 22/05/1996

### **Transition**

**75** (1) Any matter or proceeding that was commenced on or after March 28, 1995 but before this section came into force shall be continued and finally disposed of under this Act as it read on the day before this section came into force.

### **Determination of date**

- (2) For the purposes of subsection (1), a matter or proceeding shall be deemed to have been commenced on the day determined under subsection 74.1 (2).

### **Exception**

(3) Despite subsection (1), in exercising any authority in respect of a matter or proceeding referred to in subsection (5), the council of a municipality, a local board, a planning board, the Minister and the Tribunal, shall have regard to the policy statements issued under subsection 3 (1) if,

- (a) the matter or proceeding was commenced on or after March 28, 1995; and
- (b) no decision has been made in respect of the matter or proceeding. 1996, c. 4, s. 41; 2017, c. 23, Sched. 5, s. 80.

### **Exception, comments, etc.**

(4) Despite subsection (1), in providing any comments, submissions or advice with respect to any matter or proceeding referred to in subsection (5), a minister or a ministry, board, commission or agency of the government shall have regard to the policy statements issued under subsection 3 (1), if,

- (a) the matter or proceeding was commenced on or after March 28, 1995; and
- (b) no decision has been made in respect of the matter or proceeding. 1996, c. 4, s. 41; 1998, c. 15, Sched. E, s. 27 (12).

### **Deemed commencement**

- (5) For the purposes of clauses (3) (a) and (4) (a), a matter or proceeding shall be deemed to have been commenced,
- (a) in the case of a request for an official plan amendment by any person or public body, on the day the request was received, whether or not the official plan amendment is adopted;

This is an unofficial comparison showing the amendments proposed by the First Reading version of Schedule 12 of the More Homes, More Choice Act, 2019, prepared by [Osler Hoskin Harcourt LLP](#). They are not in force as of May 2, 2019.

- (b) in the case of an application for an amendment to a zoning by-law under section 34 that has been refused or has not been decided before the day this section comes into force, on the day the application is made;
- (c) in the case of an application for a minor variance under section 45, on the day the application is made;
- (d) in the case of an application for the approval of a plan of subdivision under section 51, on the day the application is made; and
- (e) in the case of an application for a consent under section 53, on the day the application is made.

**Determination of date of decision**

- (6) For the purposes of clauses (3) (b) and (4) (b), a decision shall be deemed to have been made,
  - (a) in the case of a request for an amendment to an official plan by any person or public body, on the day that,
    - (i) the council or planning board adopts all or part of the amendment,
    - (ii) the council or planning board refuses to adopt all or part of the amendment, or
    - (iii) the approval authority proposes to approve, modifies and approves or refuses to approve all or part of the amendment;
  - (b) in the case of an application for an amendment to a zoning by-law under section 34, on the day that,
    - (i) the council passes the amending by-law, or
    - (ii) the council refuses the application to amend the by-law;
  - (c) in the case of an application for a minor variance under section 45, on the day a decision is made by the committee of adjustment;
  - (d) in the case of an application for the approval of a plan of subdivision under section 51, on the day that the approval authority decides to give or refuses to give approval to the draft plan under subsection 51 (31); and
  - (e) in the case of an application for a consent under section 53, on the day the council or the Minister gives or refuses to give a provisional consent.

**Transition**

(7) If subsection (3) applies to all or part of an official plan, subsection 3 (8) of this Act, as it read before the coming into force of section 3 of the *Land Use Planning and Protection Act, 1996*, does not apply to the plan. 1996, c. 4, s. 41.

**Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 41 - 22/05/1996; 1998, c. 15, Sched. E, s. 27 (12) - 01/04/1999

2017, c. 23, Sched. 5, s. 80 - 03/04/2018

**Transition – residential units**

**76** (1) If on November 16, 1995, a detached house, semi-detached house or row house was used or occupied as two residential units, section 1, subsections 16 (2), (3) and (4), 31 (3.1) and (3.2), 35 (1), (3) and (4) and 51 (28), (29) and (30) of this Act and Ontario Regulation 384/94, as they read on November 15, 1995, continue to apply to that house.

**Same**

(2) Section 1, subsections 16 (2), (3) and (4), 31 (3.1) and (3.2), 35 (1), (3) and (4) and 51 (28), (29) and (30) of this Act and Ontario Regulation 384/94, as they read on November 15, 1995, continue to apply to a detached house, a semi-detached house or a row house if on or before the day on which subsection 20 (1) of the *Land Use Planning and Protection Act, 1996* comes into force,

- (a) a permit has been issued under section 8 or 10 of the *Building Code Act* permitting the erection, alteration, occupancy or use of the house for two residential units; and
- (b) the building permit has not been revoked under section 8 of the *Building Code Act*. 1996, c. 4, s. 42.

**Section Amendments with date in force (d/m/y)**

1996, c. 4, s. 42 - 22/05/1996

## **County of Oxford**

77 (1) The County of Oxford may exercise all the powers of a lower-tier municipality under this Act, and no lower-tier municipality in the County of Oxford shall, except as provided in this section, exercise any powers under this Act. 2002, c. 17, Sched. B, s. 28.

### **Committee of adjustment**

(2) The council of each lower-tier municipality in the County of Oxford shall be deemed to be a committee of adjustment. 2002, c. 17, Sched. B, s. 28.

### **Powers of lower-tier municipality**

(3) A lower-tier municipality in the County of Oxford may exercise the powers provided in section 28, except under subsection 28 (12), and in sections 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46 and 69. 2002, c. 17, Sched. B, s. 28; 2006, c. 23, s. 29 (1).

### **Non-application of subs. (2)**

(3.1) If a lower-tier municipality passes a by-law constituting and appointing a committee of adjustment under subsection 44 (1), subsection (2) of this section ceases to apply to the council of the lower-tier municipality on the day the by-law comes into force, except with respect to matters that, on that day, are before the council and have not been finally disposed of. 2006, c. 23, s. 29 (2).

### **Conflicts**

(4) Despite subsection (3), if there is a conflict between a by-law passed by the County of Oxford and a by-law passed by a lower-tier municipality in the exercise of a power under subsection (3), the by-law of the County of Oxford prevails. 2002, c. 17, Sched. B, s. 28.

### **Land division committee**

(5) Subsection 54 (1) does not apply to the County of Oxford and the County of Oxford may be or may constitute and appoint a land division committee for the purpose of giving consents under this Act. 2002, c. 17, Sched. B, s. 28.

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. B, s. 28 - 01/01/2003

2006, c. 23, s. 29 (1, 2) - 01/01/2007

---

Français

Back to top