



---

# Orientation Manual

**Committee  
of Adjustment**



**BRAMPTON**  
Flower City

# **Committee of Adjustment *Orientation***

**Committee Room CH-4A  
City Hall**

June 13, 2023

# Overview

1. Welcome and Outline
2. *Digital* Orientation Binder Overview
3. Purpose and Jurisdiction of Committee of Adjustment
4. Planning Act
5. Minor Variance
6. Legal Non-conforming Use
7. Consent
9. Committee Process and Hearings
10. Role of Committee Members
11. Continuous Improvement Initiative
12. Discussion / Q & A
13. Council Chamber Visit

## ***Digital Orientation Binder***

- Membership list and meeting schedule
- Procedure By-law 197-95
- Sample forms and documents
- Planning and legal matters
- Relevant legislation

[Digital Orientation Binder available on Committee Webpage](#)

# Committee of Adjustment

2022-2026 term Committee of Adjustment  
appointed May 17, 2023 by Council  
Resolution C132-2023 and By-law 92-2023,  
until November 14, 2026  
or until successors are appointed.

# Committee of Adjustment Membership

1. Ron Chatha
2. Jarmanjit Singh Dehriwal
3. Sukhpal Khaira
4. Baljit Mand
5. James Reed
6. Sarbjeet Saini
7. Jotvinder Sodhi
8. Thisaliny Thirunavukkarasu
9. Manoharan Vaithianathan

# Committee of Adjustment

## Attendance and Quorum

- At least three (3) members must be present to convene a hearing
- If a member is absent for three consecutive hearings, that position may be declared vacant

## Honorarium

- \$175 per meeting attendance
- Mileage for travel to properties (City rates)

## Hearing dates and location

- Every three (3) weeks (Tuesday at 9:00 a.m.)
- Hearings held in Council Chambers (City Hall)

# Committee of Adjustment

## Purpose

- Conduct hearings / make decisions on minor planning applications

## Committee composition and appointments

- Minimum of 3 members; appointed for term of Council
- Elect a Chair / Vice-Chair; appoint a Secretary-Treasurer

## Procedure

- Hold hearings in accordance with the *Planning Act*, the *Statutory Powers Procedure Act*, and Robert's Rules of Order (By-law 197-95)

## Quasi-judicial process

- Hearings are conducted in a court-like manner
- Committee become the 'judges' of an application
- Committee is autonomous; decisions cannot be overturned by Council
- Right of appeal of Committee decision to Ontario Land Tribunal (OLT)



# Committee of Adjustment Powers – Minor Variance

An application to alter or develop a property in a way that does not conform with the Zoning By-law

- e.g., building/structure setback, parking requirements, side entrance, encroachment

A minor variance may only be authorized if the variance meets the **4 tests**:

- the request is **minor in nature**;
- the request is **desirable for the appropriate development or use** of the land, building or structure;
- the general **intent and purpose of the City's Zoning By-law** is maintained;  
**and**
- the **general intent and purpose of the City's Official Plan** is maintained.

***A minor variance must meet ALL four tests***

# Committee of Adjustment Powers – Minor Variance

The **four tests** that all variance requests **must** pass are founded upon these two principles:

- The impact of any variance request **must** be considered **objectively** and on a **case-by-case** basis because of the varying context of each property
- Evaluation of a variance request is **not based upon a numerical calculation**, but rather is based upon the impact that the proposed variance will have on the adjacent land uses and the neighbourhood

# Committee of Adjustment Powers – Legal Non-Conforming Use

Exists when zoning for the site does not permit its current use, but this use was permitted and in existence before the enactment of the current zoning by-law

Applicants apply to the Committee for:

- Enlargements or extensions to structures that are legal non-conforming
- Changing a legal non-conforming use to another use not permitted in the by-law

# Committee of Adjustment Powers – Legal Non-Conforming Use

To approve an application for an extension, enlargement or change of a legal non-conforming use, the Committee must be satisfied that:

- The extension or enlargement **does not substantially increase the usability of the property**
- The extension or enlargement **does not adversely affect the surrounding properties or neighbourhood** in general
- Any change of use is either **similar to the existing use or more closely related to the uses permitted** in the Zoning By-law

# Committee of Adjustment Powers – Consents

- All land in Ontario is subject to subdivision control (the division of land into smaller parcels)
- If an applicant wants to divide their land into lots, blocks or units which can be sold, they must apply for consent
- A consent application is required to:
  - Sever land into new lots
  - Add land to an abutting lot
  - Establish easements for rights of way
  - Lease land or register a mortgage in excess of 21 years
  - Adjust lot lines
  - Correct deeds or property descriptions

# Committee of Adjustment Powers – Consents

To approve a Consent, the Committee must be satisfied that the various criteria of section 51(24) of the *Planning Act* are met, including whether:

- the proposal **conforms to the Official Plan and adjacent plans of subdivision**
- municipal **services are adequate** to service the proposal
- the **suitability of the land for the purposes for which it is to be subdivided**

## Committee of Adjustment – Application

- Hearing governed by requirements of the *Planning Act*
- Hearing held **within 30 days after complete application**
- **Notice of Hearing** must be given to every owner of land within 60 metres of property
  - At least **10 days** before hearing for **minor variance**
  - At least **14 days** before hearing for **consent**

# Committee of Adjustment - Meeting

## Meeting Agenda

- Agenda
- Key map for application locations
- For each application:
  - Application and related information
  - Staff Report
  - Agency Comments
  - Public Comments
- Agenda published to City's website and link emailed to Committee members
  - **Initial agenda** published by Friday, 2 weeks before hearing date
  - **Revised agenda** published by Friday 1 week before hearing date





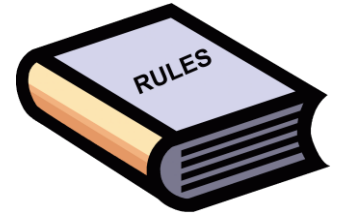
# Committee of Adjustment - Meeting

## Before the Meeting

- **Review** agenda materials
- **Site visit** for context and understanding
- **Cautions:**
  - Avoid conversations with persons involved/affected (e.g., “taking evidence”)
  - Avoid conversations with Members of City Council



# Committee of Adjustment - Meeting



## Hearing Proceedings

- Hearing of every application must be held in public
- Applicant presents application; Committee may ask questions of the applicant
- Chair introduces comments received from agencies, residents and others
- Anyone else having interest is invited to come forward and speak
- Committee may ask questions of those parties expressing an interest
- Chair requests that staff report pertaining to application is read/introduced
- Applicant provided opportunity to respond to any comments received
- Committee disposition of application by motion and vote
  - motion/action requires a mover and seconder
  - no decision valid unless concurred by majority that heard application

# Committee of Adjustment - Meeting


## Decision

- Decision options:
  - **Approve** (with or without reasonable conditions / may include time limits)
  - **Refuse**
  - **Defer** the application to a future meeting
- Decision must be:
  - **in writing and signed** by the members who concurred with decision
  - **set out reasons** for the decision and contain a brief explanation of the effect, if any, that written submissions made to the committee before its decision and oral submissions made at the hearing
  - **based solely on the basis of actual evidence and considerations relevant to the Committee's legislative mandate** – cannot be based on other or extraneous considerations

# Committee of Adjustment – Meeting



## Committee Agenda

- Call to Order
- Adoption of Minutes
- Declarations of Interest under the Municipal Conflict of Interest Act
- Withdrawals/Deferrals
- **Consensus Motion** 
- New Consent Applications
- Deferred Consent Applications
- New Minor Variance Applications
- Deferred Minor Variance Applications
- Adjournment

# Committee of Adjustment – Meeting



## Hybrid Meetings

- Webex Platform
- Joining meetings
- Remote participation optional for all hearing parties, but in-person attendance is encouraged
- *Patience is a virtue with hybrid meetings*

# Municipal Conflict of Interest Act

- The Act applies where a **direct or indirect pecuniary (financial benefit) relationship** may exist for a member as a result of a matter before the Committee
  - “indirect relationship” includes parent, spouse, child
- The member must declare a conflict of interest at the beginning of the hearing and excuse themselves from the proceedings and involvement in the decision
  - requirement for declaration to also be in writing
- Declaring a conflict is up to the individual member
- Can seek advice regarding conflict of interest from Integrity Commissioner

# Lobbyist Registry By-law

- Lobbying is any communication with a **public office holder** by a person who represents a business or financial interest. The goal of lobbying is to try and influence any legislative action, including but not limited to the:
  - Development, introduction, passage, defeat, amendment or repeal of a by-law, motion or resolution;
  - Development, approval, amendment, application or termination of a City policy, program, directive, guideline; or
  - Outcome of a decision on any matter before Council, a Committee of Council or a Councillor or staff member acting under delegated authority.

[Lobbyist Registry By-law 149-2015](#)



# Committee of Adjustment – Decisions and Appeals

## Committee Decision

- Within 10 days from hearing decision date, Secretary-Treasurer to:
  - issue notice of decision, with notice of last day to appeal decision, to:
    - the applicant, and
    - each person who appeared at hearing or submitted written request for notice of the decision

## Decision Appeal

- Only the applicant, the Minister or a specified person or public body that has an interest in the matter, within 20 days of the making of the decision, appeal to the Ontario Land Tribunal by providing to the Secretary-Treasurer:
  - notice of appeal objecting to the decision and the reasons for the appeal
  - Tribunal appeal fee





# Committee of Adjustment – Appeal / Judicial Reviews

There is a right of appeal from a final decision of the Committee to the Ontario Land Tribunal (OLT)

- within 20 days of the making of a decision, the applicant, Minister or any other person or public body who has an interest in the matter may appeal the decision to the OLT
- if no decision is made on a consent application within 90 days of the application being received, the applicant may appeal to the OLT
- within 20 days of giving notice of a decision on a consent application, any person or public body may appeal the decision to the OLT

In limited circumstances, there may be a right to apply to the Divisional Court for judicial review of the Committee's decision

- for example, if the appellant was denied procedural fairness



## Committee of Adjustment – Provincial Legislation

*Municipal Conflict of Interest Act*  
*Statutory Powers Procedure Act*  
*Planning Act*

# **Committee of Adjustment – Role of City Staff**

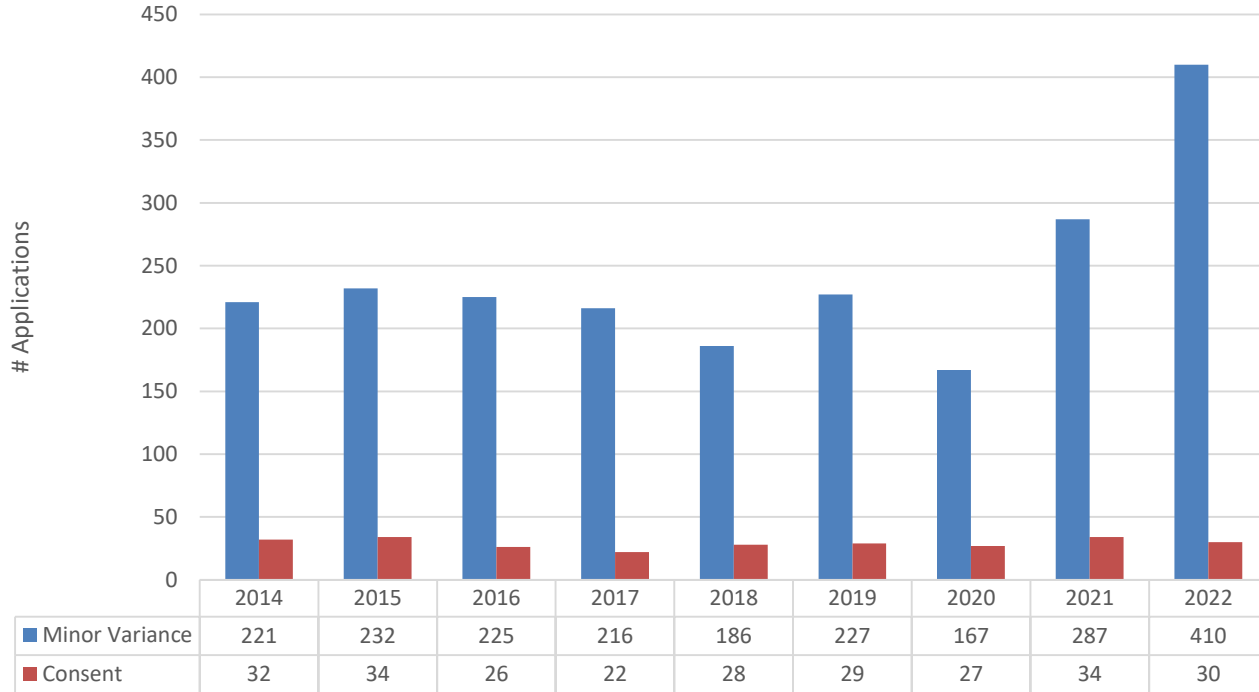
## **Secretary-Treasurer**

- Jeanie Myers, City Clerk's Office

## **City Experts**

- Various City Planners, Development Services
- Ross Campbell, Supervisor, Zoning and Sign By-law Services

# Committee of Adjustment – Applications

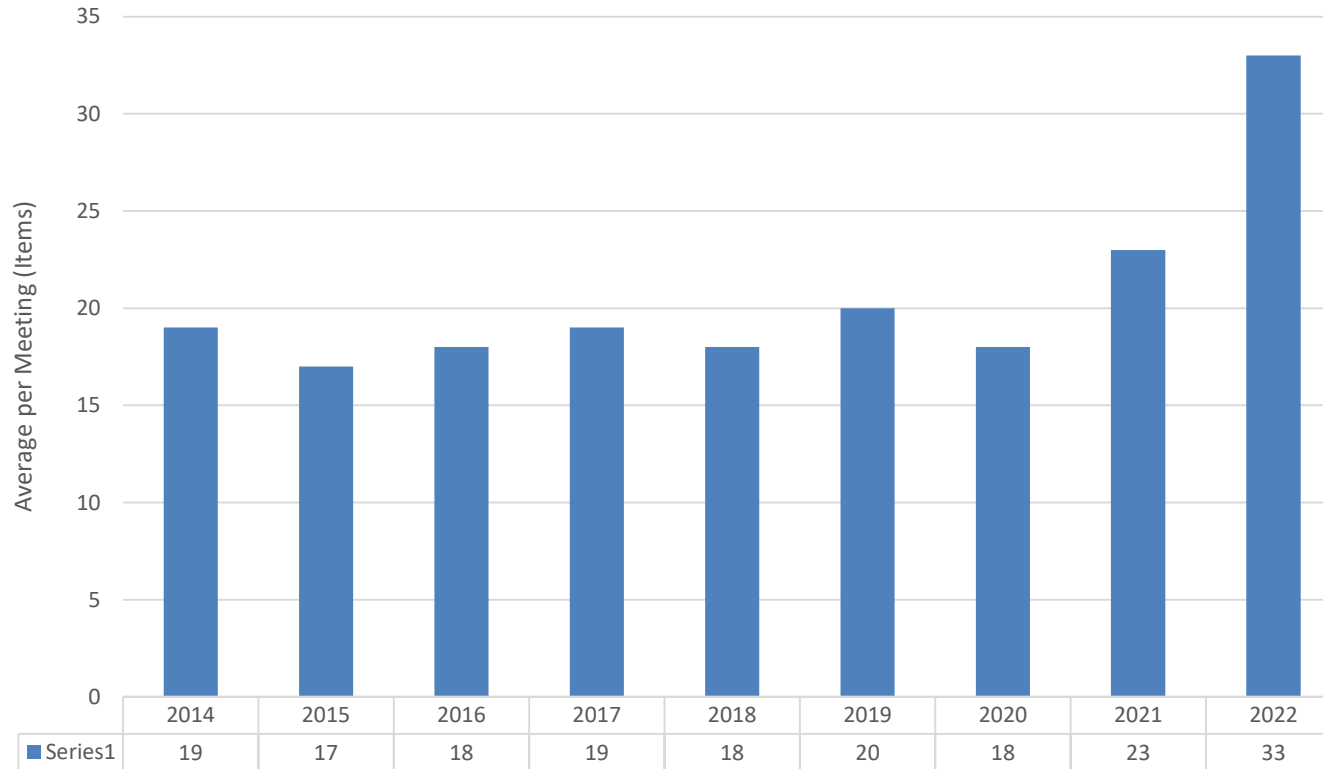


***Who is submitting applications?***

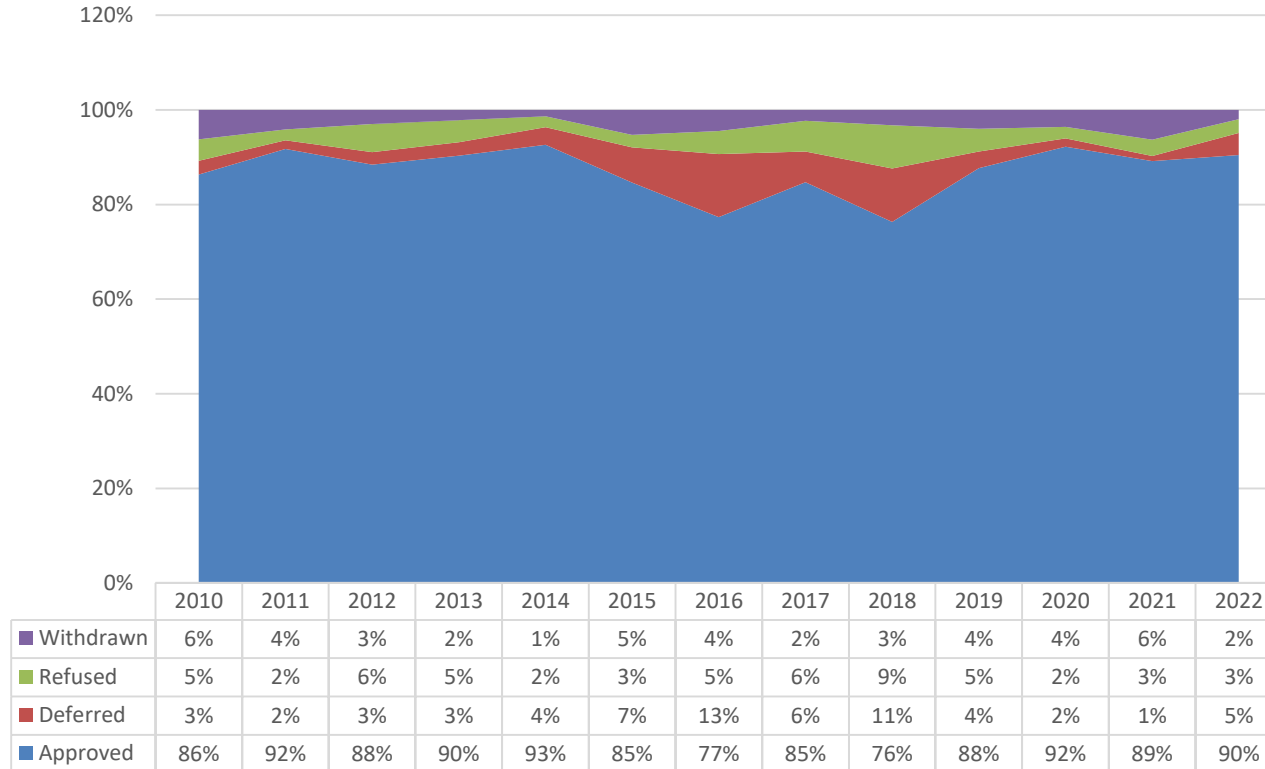
Minor Variance  
 Resident 55%  
 Professional 45%

Consent  
 Resident 20%  
 Professional 80%

# Committee of Adjustment – Agenda Items per Meeting



# Committee of Adjustment – Minor Variance Decisions





## Committee of Adjustment – Role of Committee Members

- Be familiar with the *Planning Act*
- Review agenda materials
- Attend Committee meetings
- Listen to the presentations and submissions
- Understand the application
- Ask questions for clarification
- Avoid emotional attachment
- Don't decide a case before hearing all the evidence
- Ensure that parties receive a fair hearing
- Reach a decision on the application



# Committee of Adjustment – Role of Committee Members

## Some things to consider:

- Stay within Committee jurisdiction and avoid straying
- Pick and choose your questions wisely
- Hear all information before deciding
- Chair's role to lead and ensure collegial and fair relationship among Committee members, applicant, City, public and interested parties
- Being respectful to others, brings respect to you
- Be fair, patient and reasonable to all participants

## Pitfalls outside the hearing regarding applications:

- Conversations with Committee members
- Conversations with applicant / affected parties
- Conversations with Members of Council
- Conversations with the media





# Committee of Adjustment – Continuous Improvement

## Continuous Improvement Initiative:

- Initiated by Planning, Building and Growth Management in 2022
- Dillon Consulting engaged
- Focusing on process
  - Revise application form and process guidance documentation
  - Implement online application process through City's development application tool – Accela
  - Update Committee Procedure By-law

# Next Steps

- First meeting – June 20, 2023
  - Appointment of Chair (for meeting, for year or for term)
  - Procedural motion to implement Consensus Motion process
  
- Future Orientation Sessions
  - September 2023 (after 3 hearings)
  - Continuous Improvements

# Contact Information

## Jeanie Myers

Secretary-Treasurer and Legislative  
Coordinator, City Clerk's Office

[jeanie.meyers@brampton.ca](mailto:jeanie.meyers@brampton.ca)

905.874.2117

## Peter Fay

City Clerk

[peter.fay@brampton.ca](mailto:peter.fay@brampton.ca)

905.874.2172

## Charlotte Gravlev

Deputy Clerk

[charlotte.gravlev@brampton.ca](mailto:charlotte.gravlev@brampton.ca)

905.874.2115

## Committee Web Page:

<https://www.brampton.ca/EN/City-Hall/Council-Committees/Pages/CommitteeofAdjustment.aspx>

## Agendas and Minutes:

<https://www.brampton.ca/en/city-hall/meetings-agendas/Pages/Welcome.aspx>

Questions?

<b>1</b>	<b>Committee Members — Contact List and Schedule of Meetings</b>	
<b>2</b>	<b>By-law 92-2023 appointing members, Tariff of Fees By-law 85-96, as amended (Extract)</b>	
<b>3</b>	<b>Procedure By-law and Committee Process</b>	
<b>4</b>	<b>Sample Forms</b>	
<b>5</b>	<i>Planning Act Extracts</i>	
<b>6</b>	<b>Planning Matters</b>	
<b>7</b>	<b>Legal Matters</b>	
<b>8</b>	<i>The Municipal Conflict of Interest Act (Written Statement of Disclosure of Interest)</i>	
<b>9</b>	<i>The Statutory Powers Procedure Act</i>	
<b>10</b>	<i>The Planning Act and Amendments</i>	



# **COMMITTEE OF ADJUSTMENT**

## **2023-2026 Term**

### **MEMBERS LIST**

- James Reed
- Ron Chatha
- Jarmanjit Singh Dehriwal
- Sarbjeet Saini
- Sukhpal Khaira
- Thisaliny Thirunavukkarasu
- Jotvindher Sodhi
- Baljit Mand
- Manoharan Vaithianathan

# **COMMITTEE OF ADJUSTMENT SCHEDULE OF MEETING DATES 2023**

<b>HEARING DATE</b>	<b>FILING DEADLINE</b>	<b>MAILING DATE</b>	<b>STAFF MEETING</b>
JAN 3/23	NOV 29/22	DEC 9/22 (C) DEC 16/22 (MV)	DEC 13/22
JAN 24/23	DEC 13/22	JAN 6/23 (C) JAN 13/23 (MV)	JAN 10/23
FEB 14/23	JAN 11/23 (WEDNESDAY)	JAN 27/23 (C) FEB 3/23 (MV)	JAN 31/23
MAR 7/23	FEB 7/23	FEB 17/23(C) FEB 24/23(MV)	FEB 21/23
MAR 28/23	FEB 28/23	MAR 10/23 (C) MAR 17/23 (MV)	MAR 14/23
APR 18/23	MAR 21/23	MAR 31/23 (C) APRIL 6/23 (MV)	APRIL 4/23
MAY 9/23	APRIL 11/23	APRIL 21/23(C) APRIL 28/23(MV)	APRIL 25/23
MAY 30/23	MAY 2/23	MAY 12/23 (C) MAY 19/23 (MV)	MAY 16/23
JUNE 20/23	MAY 23/23	JUNE 2/23 (C) JUNE 9/23 (MV)	JUNE 6/23
JULY 11/23	JUNE 7/23 (WEDNESDAY)	JUNE 23/23 (C) JUNE 30/23 (MV)	JUNE 27/23
AUG 1/23	JULY 4/23	JULY 14/23(C) JULY 21/23MV)	JULY 18/23
AUG 22/23	JULY 25/23	AUG 4/23(C) AUG 11/23 (MV)	AUG 8/23
SEPT 12/23	AUG 15/23	AUG 25/23 (C) SEPT 1/23(MV)	AUG 29/23
OCT 3/23	SEPT 5/23	SEPT 15/23 (C) SEPT 22/23 (MV)	SEPT 19/23
OCT 24/23	SEPT 26/23	OCT 6/23 (C) OCT 13/23 (MV)	OCT 10/23
NOV 14/23	OCT 17/23	OCT 27/23 (C) NOV 3/23 (MV)	OCT 31/23
DEC 5/23	NOV 7/23	NOV 17/23 (C) NOV 24/23(MV)	NOV 21/23
JAN 2/24	NOV 28/23	DEC 8/23 (C) DEC 15/23 (MV)	DEC 12/23
JAN 23/24	DEC 14/23	JAN 5/24 (C) JAN 12/24 (MV)	JAN 9/24
FEB 13/24	JAN 10/24 (WEDNESDAY)	JAN 26/24 (C) FEB 2/24 (MV)	JAN 30/24

*Hearings are held at Brampton City Hall commencing at 9:00 a.m.*





**By-law 92-2023 appointing members,  
Tariff of Fees By-law 85-96, as amended  
(Extract)**





THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 92 - 2023

To Amend By-law 51-89 respecting Appointments to the Committee of Adjustment and to Repeal By-laws 71-2019 and 72-2015

WHEREAS by Resolution C132-2023, passed by City Council on May 17, 2023, Council approved the appointment of nine citizens to the Committee of Adjustment for the term of office ending November 14, 2026, or until their successors are appointed;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. Schedule A to By-law 51-89, as amended, is hereby deleted and the following substituted:

Schedule A to By-law 51-89:

Persons appointed as members to the Committee of Adjustment, effective June 1, 2023, for the 2022-2026 term of Council ending November 14, 2026, or until a successor is appointed:

- i. James Reed
  - ii. Ron Chatha
  - iii. Jarmanjit Singh Dehriwal
  - iv. Sarbjeet Saini
  - v. Sukhpal Khaira
  - vi. Thisaliny Thirunavukkarasu
  - vii. Jotvinder Sodhi
  - viii. Baljit Mand
  - ix. Manoharan Vaithianathan
2. That By-laws 71-2019 and 72-2015 are hereby repealed.

ENACTED and PASSED this 31<sup>st</sup> day of May, 2023.

Approved as to  
form.  
2023/05/24  
A-G D'Andrea

Approved as to  
content.  
2023/05/22  
P. Fay

  
Patrick Brown, Mayor

  
Peter Fay, City Clerk  
*Charlotte Gravel, Acting*

## Extract – Tariff of Fees By-law

TYPE OF APPLICATION	PRESCRIBED FEE
Committee of Adjustment	<p><b>\$698</b> for Residential and Institutional minor variance applications (residential means for one lot only containing a single detached dwelling unit, a semidetached dwelling unit or a townhouse dwelling unit and does not include multiple lots and their units)</p> <p><b>\$2,832</b> for all other minor variance applications</p> <p><b>\$255 + \$5.00</b> per notice as determined by the Secretary Treasurer for applications re-circulated pursuant to a request by the applicant to defer an application.</p> <p><b>\$4,383</b> for consent applications  <b>\$2,063</b> for consent certificate</p>
<p><b>1.0</b></p> <p>For Zoning By-law Amendments, Plans of Subdivision and Plans of Condominium</p>	<p style="text-align: center;"><u>Residential:</u></p> <p>Apartments:</p> <p>For the first 25 units - <b>\$730</b> per unit</p> <p>26 to 100 units - <b>\$584</b> per unit</p> <p>101 to 200 units - <b>\$443</b> per unit</p> <p>201 units and above - <b>\$367</b> per unit</p> <p>For all other residential:</p> <p><b>\$1,500</b> per dwelling unit (all part lots fronting onto a street in a proposed subdivision are subject to full dwelling unit fees)</p> <p><u>Non-Residential</u></p> <p><b>\$15,045</b> per net hectare</p> <p><u>Maximum Fee: \$794,805*</u></p> <p>* Notwithstanding land use type and in addition to the base fee(s), sign deposit fee</p>

## Extract – Tariff of Fees By-law

	<p><b>Note:</b> all lands associated with a specific application shall be contiguous.</p> <p><b>Note:</b> Fees noted in 1.0 are only to be applied once to a development project through a Zoning By-law Amendment, Plan of Subdivision, or Plan of Condominium application (Site Plans excluded).</p>
<p><b>2.0</b></p> <p>Draft Plan Approval (Condominiums and Subdivisions)</p>	<p>Revision of Draft Plan after Draft Approval (when requested by applicant/owner) - <b>\$5,954</b></p> <p>Revisions to Conditions of Draft Plan Approval (when requested by applicant/owner) - <b>\$5,954</b></p> <p>Extension of Draft Plan Approval - <b>\$5,954</b></p> <p>Registration of Each Phase of a Plan (cost per phase beyond first phase) – <b>\$5,954</b></p>

### 3. REFUNDS

#### Committee of Adjustment Applications:

**\$859** refund if withdrawn prior to internal circulation

**\$645** refund if withdrawn prior to circulation of public notice of a hearing

No refund if withdrawn once the circulation of the public notice of a hearing has occurred

### 4. ANNUAL INDEXING

The fees in Schedule A shall be adjusted annually, effective January 1, in accordance with the rate of increase of the Consumer Price Index - Toronto from the previous year published by Statistics Canada. In the event that a fee is not adjusted by the Consumer Price Index in any year, the cumulative adjustment for the past years may be made in future years.

**3**

**Procedure By-law and  
Committee Process**



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 197-95

To provide rules governing the calling, place and proceedings of meetings of The City of Brampton Committee of Adjustment

WHEREAS the City of Brampton has established a Committee of Adjustment under By-law 51-89 in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS a Committee of Adjustment is a local board as defined in the Municipal Affairs Act R.S.O. 1990, c.M.46;

AND WHEREAS Section 55(2) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, requires that every local board shall adopt a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 55(3) and Section 55(8) of the Municipal Act, as amended requires all meetings to be open to the public and prohibits a meeting being closed to the public during the taking of a vote unless the exception, set out in Section 55(9), applies;

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby ENACTS as follows:

- |  |    |   |
|--|----|---|
| <b>Calling of Meetings</b>                   | 1. | All meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer or Chair of the Committee.   |
| <b>Cancellation/ Rescheduling of Meeting</b> | 2. | In consultation with the Chair the Secretary-Treasurer may cancel or reschedule a meeting.  |
| <b>Failure to Constitute Quorum</b>          | 3. | If after a period of thirty (30) minutes from the scheduled commencement time, the Committee has failed to constitute quorum, the meeting shall be adjourned.   |
| <b>Location of Meetings</b>                  | 4. | All meetings of the Committee of Adjustment shall be held in a meeting room located within the Brampton City Hall. The meeting location will be set out in the Notice of Public Hearing circulated by the Secretary-Treasurer or designate of the Committee of Adjustment.  |
| <b>Notice of Public Hearing</b>              | 5. | The Notice of Public Hearing shall be given in a manner that the Committee of Adjustment deems appropriate, in accordance with the provisions of the Planning Act, as amended, and any regulation passed thereunder.  |
| <b>Meeting Procedures</b>                    | 6. | (a) A meeting of the Committee shall be called to order by the Chair of the meeting or his or her designate.<br><br>(b) The Chair shall call for any requests for deferral of an application or any requests for withdrawal of an application.<br><br>(i) A request for deferral of an application to a later meeting date must be for reasonable cause as determined by the Committee. The Committee at its own volition may defer the consideration of an application. The Committee shall set a new meeting date for the consideration of the application. |

and shall indicate any other requirements or conditions for deferral, such as re-notification, amendment or additional required information. The Committee may determine that the consideration of an application on a deferred date is peremptory.

- (c) The Secretary/Treasurer or designate shall call each application in an order determined by the agenda or in an order determined by the Chair of the meeting and/or the Committee.
- (d) The Chair of the meeting shall ask the applicant, authorized agent or the applicant's representative to present the application.
- (e) The Committee may ask questions of the applicant, authorized agent or applicant's representative at this time. Questions may be asked during the presentation, however, typically questions are put forward by members of the Committee at the conclusion of the presentation.
- (f) The Chair of the meeting shall then read aloud or cause to be read all comments received from outside agencies, residents and others who responded to the circulation of the Notice of Public Hearing.
- (g) The Chair of the meeting shall invite anyone else having an interest in the application to come forward and express his/her interest. Committee members through the Chair, may ask questions of those parties present expressing an interest.
- (h) The Chair of the meeting shall then request that the consolidated staff report pertaining to the application, be read out by the staff member present from the Planning & Building Department. A copy of the staff report for each application shall also be posted at the entrance to the meeting room.
- (i) The Committee shall then give the applicant, authorized agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies, staff or other interested parties.
- (j) The members, through the Chair of the meeting, may ask additional questions at this time.

**Voting**

7.

- (a) After having considered the issues raised by the applicant, authorized agent, applicant's representative, any respondents and the evidence heard at the meeting by the Committee, the Chair shall then ask the members of the Committee for a motion with respect to the disposition of the application. The Chair, upon receipt of a motion from a Committee member shall ask for a seconder to the motion. The Chair shall call for a vote by the Committee on the motion and shall announce, at the meeting, the decision of the Committee, whether the application be approved, refused or deferred to a future meeting.
- (b) The Chair shall be entitled to all the rights of a member on the Committee, including voting.

**Notice of Decision**

8.

- (a) Committee members concurring in the decision of the committee shall sign the Notice of Decision at the meeting and the names of members present not concurring in the decision shall be so noted on the Notice of Decision.



(b) The Notice of Decision shall be given in a manner that the Committee of Adjustment deems appropriate, in accordance with the provisions of the Planning Act, as amended, and any regulation passed thereunder.

**Conduct of Meeting, Members Applicants/Agents and others**

9. The conduct of meetings, members, applicants/agents and others in attendance with respect to matters not specifically addressed, shall generally be considered in accordance with the Statutory Powers Procedure Act R.S.O. 1990 c.S.22 as amended, and Robert's Rules of order.

**Conflict of Interest**

10. In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, any member of the Committee required to so do by the provisions of the Act, shall disclose any direct or indirect pecuniary interest and shall state the general nature of such interest, and it shall be recorded by the Secretary-Treasurer accordingly.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 11th day of October, 1995.



P. ROBERTSON, MAYOR



L. J. MIKULICH, CITY CLERK

APPROVED AS TO FORM LAW DEPT BRAMPTON
DATE <i>[Signature]</i>

95/10/12



<b>Procedure By-law - At a Glance</b> <b>For Council Committees and Citizen Advisory Committees</b>	
<b>Additions to an Agenda</b>	Additions to the agenda for a Committee meeting are permitted by a two-thirds majority vote.
<b>Amendments</b>	If an amendment is not contrary, it is voted on before the main motion. The last amendment made is voted on first.
<b>Attendance</b>	If any member of a Committee fails to attend three consecutive regular meetings of that Committee without authorization by Council resolution, that citizen's membership on the Committee is terminated and Council will appoint a new person to fill the vacancy.
<b>Call the Question</b>	The vote will be taken after any member who has not already spoken and wishes to, has spoken. If a member speaks to the motion, he/she may not then immediately call the question.
<b>Chair Not Present</b>	If the Committee Chair does not attend within 15 minutes of the meeting start time, the Co-Chair, Vice-Chair, or other member, will assume the Chair for the meeting, until the arrival of the Chair.
<b>Conflict of Interest</b>	A member is required to declare a conflict of interest prior to any consideration of the matter and to disclose the general nature of the conflict. The conflict must relate to a direct or indirect pecuniary interest, eg. positive or negative financial interest, affecting the member or the member's spouse, child or parent. The member shall not participate in the discussion, vote on any motion regarding the matter, or attempt in any way to influence the voting before, during or after the meeting. Please refer to the <i>Municipal Conflict of Interest Act</i> .
<b>Defer (to a Future Meeting)</b>	To postpone consideration of a matter to a future meeting, the vote on a deferral is taken immediately, that is, there is no discussion or debate on the motion to defer.
<b>Delegations</b>	A delegation is limited to speaking for a maximum of five minutes, unless an extension is agreed upon. If the subject of the delegation is not a matter on the agenda, it will be received without comment and referred to staff for a report, unless there is a majority vote to simply receive the delegation. Delegation requests are directed by the City Clerk's Office to the appropriate Committee.
<b>Interrupt a Speaker</b>	A member is prohibited from interrupting a speaker except on a point of order or point of privilege.
<b>Last Speaker to a Motion</b>	The mover has the right to be the last speaker unless the question is called and then those rules apply (see above).
<b>Minutes</b>	The minutes of each Committee meeting will be presented at the next regular meeting of the appropriate Standing Committee or Council for approval of the recommendations and receipt of the minutes. The Standing Committee or Council may debate and amend any matter contained within the Committee minutes.
<b>Order of Speakers</b>	The order of speakers is as announced by the Chair. Only a speaker may make a motion.
<b>Point of Order</b>	A point of order may be raised at any time, eg. for a breach of the rules.

<b>Point of Privilege</b>	A point of privilege may be raised at any time, eg. for a challenge to the Council's or member's integrity, statements naming a member, rights / privileges of Council, eg. incorrect minutes, conduct of staff/visitors, comfort of members, eg. noise, heat.
<b>Public Question Period</b>	A member of the public in attendance may ask a question regarding a matter on the agenda only. A maximum of 15 minutes is allowed for all public questions.
<b>* Quorum *</b>	A majority of Committee members is required to be present and seated in order to constitute a quorum, unless a Committee terms of reference specify different quorum provisions. If a quorum is not achieved within 30 minutes of the meeting start time, the Legislative Co-ordinator will record the name of the members present and the meeting will not be called to order. If quorum is lost during a meeting, the meeting is recessed and will reconvene when quorum is regained. If quorum is not regained within 30 minutes, the Legislative Co-ordinator will record in the minutes the names of those present and the meeting will end without formal adjournment. The items that were not considered will be placed on the agenda of the next meeting.
<b>Recorded Vote</b>	Any Committee member may request a recorded vote at a Committee meeting.
<b>Recount Vote</b>	A recount may be requested only immediately after the declaration of the vote by the Chair.
<b>Refer (to a Committee or Person Named in the Motion)</b>	A motion to refer will send or direct a matter to another Committee, staff or official named in the motion, for further work or consideration. This motion is debatable, but only the merits of the referral, not the subject. In order to continue to discuss the subject, the motion to refer must be defeated.
<b>Reopen the Question</b>	To discuss a matter already voted on at a meeting, a two-thirds majority is required to reopen the question. To discuss a matter from a previous meeting, a two-thirds majority is required by Council Resolution. If a motion to reopen is lost, it cannot be raised again during the current term of Council.
<b>Speaking – Number of Times a Member may Speak</b>	A Committee member may speak initially for five minutes. He/she may not speak again until everyone else who wants to, has spoken. A member may then speak a second time for five minutes. There is no restriction on the number of times a member may speak.

*The above are selected extracts from Procedure By-law 160-2004, as amended. For further information, please refer to the Procedure By-law and/or contact the City Clerk's Office.*

May 11, 2015

## **Committee of Adjustment**

- Composition:** Traditionally, five citizens are appointed.  
– Legislation requires a minimum of three
- Term of Office:** Concurrent with the term of Council, ending November 14, 2022, or until successors are appointed
- Established by:** By-law 51-89, as amended
- Meetings:** Once every three weeks (Tuesdays) commencing 9:00 a.m. at City Hall (meeting duration approximately 3 – 5 hours)
- Supported by:** City Clerk's Office
- Honorarium:** \$175.00 per meeting (By-law 172-2002)

### **Committee Structure/Responsibilities:**

The Committee of Adjustment operates under the authority of the Planning Act to deal with:

**Minor Variances** – The Committee of Adjustment may grant a minor variance to any zoning by-law in respect to land, buildings or structures or use thereof.

**Consents** – The Committee of Adjustment may grant consent with respect to the following transactions:

- New lot
- Leases over 21 years
- Mortgage or partial discharge of a mortgage
- Foreclosure or exercise of power of sale
- Rights-of-way and easements over 21 years
- Lot line adjustments
- Corrections to deeds or property descriptions



**Sample Forms**



## **Samples**

1. Application for Minor Variance or Special Permission
2. Application for Consent
3. Application for Request for Changes to Conditions or Provisional Consent
4. Application for Certification of Validation
5. Sample Sign and Related Affidavit of Applicant/Property Owner
6. Sample Public Notice
7. Sample Agenda
8. Sample Staff Report
9. Sample Notice of Decision
10. Sample Minutes



## **APPLICATION INSTRUCTION AND INFORMATION SHEET**

### **Minor Variance or Special Permission**

(Also see instructions on the application form)

1. The application shall be filed with the Secretary-Treasurer, Committee of Adjustment, City of Brampton, 2 Wellington Street West, Brampton, and be accompanied by the applicable fee in **cash, debit, credit card or cheque made payable to the Treasurer, City of Brampton.**

#### APPLICATION FEES

*Residential and Institutional Properties	<b>\$699.00</b>
(*Residential means one lot only containing a single detached, semi-detached or townhouse dwelling unit)	
Commercial and Industrial Properties	<b>\$2,838.00</b>
All Other Properties	<b>\$2,838.00</b>
Applicant necessitated re-circulation of Notice of an Application	<b>\$256(plus \$5.10/per notice)</b>

**A PRELIMINARY PROCESSING FEE MAY BE REQUIRED BY THE CONSERVATION AUTHORITY:  
TORONTO & REGION CONSERVATION - \$525.00 CREDIT VALLEY CONSERVATION - \$280.00**

**NOTE: DEVELOPMENT CHARGES AND/OR CASH PAYMENT IN LIEU OF PARKLAND DEDICATION MAY BE PAYABLE AT THE TIME OF BUILDING PERMIT AND THE CHARGES MAY BE SIGNIFICANT.**

2. ANSWER ALL QUESTIONS. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT OR AGENT. **APPLICATIONS ARE TO BE PRINTED (SINGLE SIDED) ON 8 1/2" X 14" PAPER. All necessary variances must be confirmed with the Zoning Division prior to the application being considered by the Committee.**
  
3. The applicant must submit **two (2) prints** of a plan with the original copy of the application (**single sided**). The dimensions of the prints **shall be 8 1/2" x 14"** or if the plan is of a larger size, a reproduction of the plan to the size of 8 1/2" x 14" shall also be submitted. The plan shall clearly indicate the following:
  - a) The boundaries of the lands which are subject of this application shown **EDGED BY A RED COLOUR**, and the portion of the lot where the variance exists shown **MARKED BY GREEN COLOUR**.
  - b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines. (**All dimensions to be shown in metric units**)
  - c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
  - d) The current uses on land that is adjacent to the subject land.
  - e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.
  - f) The location and nature of any easement affecting the subject land.
  
4. An **Authorization Letter** from the property owner is required when the application is being signed by an agent.
  
5. A **Permission to Enter** is required as site inspections will be conducted by Committee Members and City Staff.

#### **A DETAILED EXPLANATORY LETTER SHOULD ACCOMPANY THE APPLICATION**

#### **TO ALL APPLICANTS:**

THE COMMITTEE HAS BEEN KNOWN TO REQUEST TO SEE COPIES OF DRAWINGS, SHOWING THE ELEVATION, CONSTRUCTION, AND EXTERIOR DESIGN OF PROPOSALS APPLIED FOR. (example - location of doors, windows, type of exterior materials proposed - brick, wood cladding, aluminum, etc.) THESE DRAWINGS DO NOT HAVE TO BE SUBMITTED WITH THE APPLICATION FORM.

IF YOU HAVE DRAWINGS SUCH AS THIS, THEY SHOULD BE BROUGHT TO THE MEETING AND PRESENTED TO THE COMMITTEE WHEN YOUR APPLICATION IS HEARD.

DRAWINGS OF THIS NATURE MAY BE HAND DRAWN AND WILL BE RETURNED TO YOU ONCE YOUR APPLICATION HAS BEEN DEALT WITH. ADDITIONAL INFORMATION SUCH AS THIS MAY PREVENT DEFERRAL OF YOUR APPLICATION.

**APPLICANTS WILL BE REQUIRED TO POST A SIGN ON THE PROPERTY FOR A MINIMUM OF 10 DAYS PRIOR TO THE HEARING DATE.**





FILE NUMBER: \_\_\_\_\_

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton.

**APPLICATION**

**Minor Variance or Special Permission**

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** \_\_\_\_\_  
**Address** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_  
**Email** \_\_\_\_\_

2. **Name of Agent** \_\_\_\_\_  
**Address** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_  
**Email** \_\_\_\_\_

3. **Nature and extent of relief applied for (variances requested):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **Why is it not possible to comply with the provisions of the by-law?**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **Legal Description of the subject land:**  
**Lot Number** \_\_\_\_\_  
**Plan Number/Concession Number** \_\_\_\_\_  
**Municipal Address** \_\_\_\_\_

6. **Dimension of subject land (in metric units)**  
**Frontage** \_\_\_\_\_  
**Depth** \_\_\_\_\_  
**Area** \_\_\_\_\_

7. **Access to the subject land is by:**  
Provincial Highway  Seasonal Road   
Municipal Road Maintained All Year  Other Public Road   
Private Right-of-Way  Water

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED BUILDINGS/STRUCTURES on the subject land:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback \_\_\_\_\_  
Rear yard setback \_\_\_\_\_  
Side yard setback \_\_\_\_\_  
Side yard setback \_\_\_\_\_

PROPOSED

Front yard setback \_\_\_\_\_  
Rear yard setback \_\_\_\_\_  
Side yard setback \_\_\_\_\_  
Side yard setback \_\_\_\_\_

10. Date of Acquisition of subject land: \_\_\_\_\_

11. Existing uses of subject property: \_\_\_\_\_

12. Proposed uses of subject property: \_\_\_\_\_

13. Existing uses of abutting properties: \_\_\_\_\_

14. Date of construction of all buildings & structures on subject land: \_\_\_\_\_

15. Length of time the existing uses of the subject property have been continued: \_\_\_\_\_

16. (a) What water supply is existing/proposed?

Municipal  Other (specify) \_\_\_\_\_  
Well

(b) What sewage disposal is/will be provided?

Municipal  Other (specify) \_\_\_\_\_  
Septic

(c) What storm drainage system is existing/proposed?

Sewers  Other (specify) \_\_\_\_\_  
Ditches   
Swales

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes  No

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes  No

19. Has the subject property ever been the subject of an application for minor variance?

Yes  No  Unknown

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

\_\_\_\_\_  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ OF \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

**IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.**

I, \_\_\_\_\_, OF THE \_\_\_\_\_ OF \_\_\_\_\_

IN THE \_\_\_\_\_ OF \_\_\_\_\_ SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

\_\_\_\_\_ OF \_\_\_\_\_

IN THE \_\_\_\_\_ OF \_\_\_\_\_

\_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

\_\_\_\_\_  
A Commissioner etc.

**FOR OFFICE USE ONLY**

**Present Official Plan Designation:** \_\_\_\_\_

**Present Zoning By-law Classification:** \_\_\_\_\_

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Date

**DATE RECEIVED** \_\_\_\_\_

**APPOINTMENT AND AUTHORIZATION OF AGENT**

To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

LOCATION OF THE SUBJECT LAND: \_\_\_\_\_

I/We, \_\_\_\_\_  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject lands, hereby authorize

\_\_\_\_\_  
please print/type the full name of the agent(s)

to make application to the **City of Brampton Committee of Adjustment** in the matter of an application for **minor variance** with respect to the subject land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

\_\_\_\_\_  
(where the owner is a firm or corporation, please print or type the full name of the person signing.)

**NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.**

**PERMISSION TO ENTER**

To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

LOCATION OF THE SUBJECT LAND: \_\_\_\_\_

I/We, \_\_\_\_\_  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

\_\_\_\_\_  
(where the owner is a firm or corporation, please print or type the full name of the person signing.)

**NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.**

**NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION**

**APPLICATION INSTRUCTION AND INFORMATION SHEET**  
**CONSENT APPLICATION**

(Also see Instructions on the application form)

1. The application shall be filed with the Secretary-Treasurer, Committee of Adjustment, City of Brampton, 2 Wellington Street West, Brampton, together with the applicable fee in **cash, debit, credit card or cheque made payable to the Treasurer, City of Brampton.**
  
2. **FEES:** (pursuant to City of Brampton By-Law 221-2005)
 

(a) Application for Consent [Planning Act subsection 54 (1)]	<b>\$4,391.00</b>
(b) Application for Certificate of Validation [Planning Act section 57]	<b>\$4,391.00</b>
(c) Application for Approval of Foreclosure of or Exercise of a Power of Sale in a Mortgage or Charge [Planning Act subsection 50(18)]	<b>\$4,391.00</b>
(d) Application requesting Change(s) to the Conditions of Provisional Consent [Planning Act subsection 53(23)]	<b>\$4,391.00</b>
(e) Certificate resulting from an Application noted above	<b>\$2,067.00</b>
(f) Applicant necessitated re-circulation of Notice of an Application	<b>\$256 (plus \$5.10/notice)</b>

3. **NUMBER OF APPLICATIONS REQUIRED:**

**One (1)** fully completed **original** copy of the application form (**single sided**) with original signatures is to be submitted. **Two (2) copies of a plan**, Legal Size (8 1/2" x 14"), as set out on the application form are to accompany the application. Additional information may be required once a full review has been completed by staff.

**INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT OR AGENT.**  
**\*\*\*APPLICATIONS ARE TO BE PRINTED SINGLE SIDED ON 8 1/2" X 14" PAPER\*\*\***

**NOTE: A DETAILED EXPLANATORY LETTER SHOULD ACCOMPANY THE APPLICATION**

**APPLICANTS WILL BE REQUIRED TO POST A SIGN ON THE PROPERTY FOR A MINIMUM OF 14 DAYS PRIOR TO THE HEARING DATE.**

NOTES:

The authority to grant consents under *The Planning Act* has been delegated to the Committee of Adjustment, City of Brampton.

Where required by the Committee of Adjustment, the sketch referred to in the application form shall be a plan of survey signed by an Ontario Land Surveyor but otherwise a sketch, drawn to scale **and in metric units**, is acceptable (see sample sketch on next page).

An application shall be filed including the fee noted above **for each parcel of land being created.**

The application form requires that you provide assessment roll number(s). This number may be found on your property tax assessment notice.

If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "Appointment and Authorization of Agents" form attached.)

*The Statutory Powers Procedure Act* gives the Committee of Adjustment members the power to administer oaths and affirmations and Committee may require evidence before it to be given under oath or affirmation.

**SOME MATTERS USUALLY ADDRESSED**

The Committee having regard to comments, recommendations, evidence, by-laws and policies may impose conditions on favourably considered applications.

Noted below are some of the matters addressed by Committee conditions:

- 1) Certificate fee;
- 2) Copies of the final reference (survey) plan to be provided
- 3) Gratuitous conveyance of land for road widening;
- 4) Provision of adequate services; and,
- 5) Zoning by-law compliance.

Other conditions specific to some properties are noted below:

- a) Site plan approval by:
  - i) Conservation Authority
  - ii) Municipal Department;
  
- b) Approval of driveway location.

It is recommended that applicants contact the Planning and Development Services Department and other appropriate commenting agencies; however, it is noted that the Committee of Adjustment will make a decision on the merits of the application.

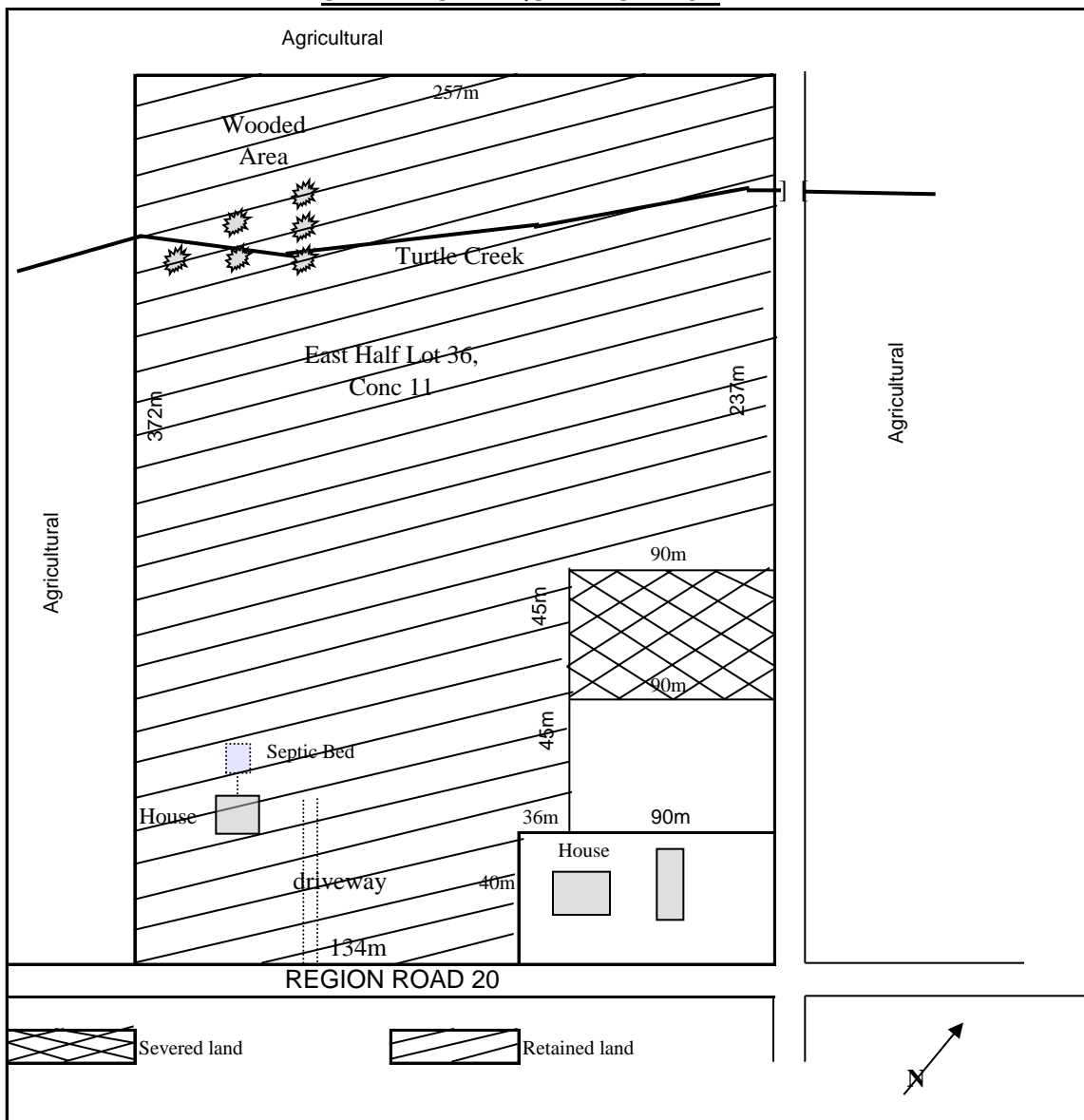
**NOTE: DEVELOPMENT CHARGES AND/OR A CASH PAYMENT IN LIEU OF PARKLAND DEDICATION MAY BE PAYABLE AT THE TIME OF BUILDING PERMIT AND THE CHARGES MAY BE SIGNIFICANT**

---

A PRELIMINARY PROCESSING FEE MAY BE REQUIRED BY THE CONSERVATION AUTHORITY  
**TORONTO & REGION CONSERVATION - \$1400.00 OR**  
**CREDIT VALLEY CONSERVATION - \$410.00**

---

**SAMPLE OF REQUIRED SKETCH**





The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton.

**APPLICATION**  
**Consent**  
(Please read Instructions)

**NOTE:** Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) **Name of Owner/Applicant** \_\_\_\_\_  
(print given and family names in full)

**Address** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_

**Email** \_\_\_\_\_

(b) **Name of Authorized Agent** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_

**Email** \_\_\_\_\_

2. **The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.**

**Specify:** \_\_\_\_\_

3. **If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.**

4. **Description of the subject land ("subject land" means the land to be severed and retained):**

a) **Name of Street** \_\_\_\_\_ **Number** \_\_\_\_\_

b) **Concession No.** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

c) **Registered Plan No.** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

d) **Reference Plan No.** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

e) **Assessment Roll No.** \_\_\_\_\_ **Geographic or Former Township** \_\_\_\_\_

5. **Are there any easements or restrictive covenants affecting the subject land?**

**Yes**  **No**

**Specify:** \_\_\_\_\_



6. Description of severed land: (in metric units)

a) Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

b) Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) \_\_\_\_\_

(proposed) \_\_\_\_\_

d) Access will be by: Existing Proposed

Provincial Highway

Municipal Road - Maintained all year

Other Public Road

Regional Road

Seasonal Road

Private Right of Way

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

\_\_\_\_\_

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system

Lake or other body of water

Privately owned and operated individual or communal well

Other (specify): \_\_\_\_\_

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system

Privy

Privately owned and operated individual or communal septic system

Other (specify): \_\_\_\_\_

7. Description of retained land: (in metric units)

a) Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

b) Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:

(existing) \_\_\_\_\_

(proposed) \_\_\_\_\_

d)	<b>Access will be by:</b>	<b>Existing</b>	<b>Proposed</b>
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal Road - Maintained all year	<input type="checkbox"/>	<input type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

---

f)	<b>Water supply will be by:</b>	<b>Existing</b>	<b>Proposed</b>
	Publicly owned and operated water system	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

g)	<b>Sewage disposal will be by:</b>	<b>Existing</b>	<b>Proposed</b>
	Publicly owned and operated sanitary sewer system	<input type="checkbox"/>	<input type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	<b>Land to be Severed</b>	<b>Land to be Retained</b>
Zoning By-Law		
Official Plans		
City of Brampton		
Region of Peel		

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes  No

File # \_\_\_\_\_ Status/Decision \_\_\_\_\_

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes  No

Date of Transfer \_\_\_\_\_ Land Use \_\_\_\_\_

11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment	_____	_____
Zoning By-law Amendment	_____	_____
Minister's Zoning Order	_____	_____
Minor Variance	_____	_____
Validation of the Title	_____	_____
Approval of Power and Sale	_____	_____
Plan of Subdivision	_____	_____

12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?  
Yes  No

13. Is the subject land within an area of land designated under any Provincial Plan?  
Yes  No

14. If the answer is yes, does the application conform to the applicable Provincial Plan?  
Yes  No

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the \_\_\_\_\_ of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Check box if applicable:

\_\_\_\_\_  
Signature of Applicant, or Authorized Agent, see note on next page

I have the authority to bind the Corporation

**DECLARATION**

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_  
in the County/District/Regional Municipality of \_\_\_\_\_ solemnly declare that all the statements contained in t  
application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of applicant/solicitor/authorized agent, etc.

\_\_\_\_\_  
Signature of a Commissioner, etc.

**FOR OFFICE USE ONLY - To Be Completed By the Zoning Division**

This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Date

**NOTES:**

1. If this application is signed by an agent or solicitor on behalf of the applicant, the owner's written authorization must accompany this application. If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation. If the application is signed by an agent or solicitor on behalf of the applicant who is a Corporation, the applicant's written authorization must accompany this application and must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation.
2. Each copy of the application must be accompanied by a sketch **and a key map** showing the location of the subject land.
3. Sketches or reproductions are to be no larger than Legal Size. Application plans which are larger may be submitted provided at least **one reproduction** reduced to Legal Size is filed with the application.
4. Where it is determined that a sketch will not adequately provide the information required, it may be necessary to provide a plan prepared by an Ontario Land Surveyor.
5. The sketch shall show:
  - a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - c) the boundaries and dimensions of the subject land, the part that is to be severed (shown in double hatch lines XXXX) and the part that is to be retained (shown in single hatched lines ////);
  - d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
  - g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
  - i) the location and nature of any easement affecting the subject land; and
  - j) if a natural or artificial feature is to be the proposed new property line or part thereof, identify the feature(s) as such on the sketch.
6. It is required that **1 original copy** of this application be filed, together with **2 copies** of the sketch described in item 2 above, with the Secretary-Treasurer, accompanied by the applicable fee.

**APPOINTMENT AND AUTHORIZATION OF AGENT(S)**

To: The Committee of Adjustment, City of Brampton,

I, \_\_\_\_\_,  
(Please print or type full name of the owner)

the undersigned, hereby appoint and authorize/have appointed and authorized as my agent(s) for the purpose of:

1. Signing and filing the application(s) on behalf of the undersigned;

1. \_\_\_\_\_ ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

2. Representing the undersigned before the Committee of Adjustment,

2. \_\_\_\_\_ ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

3. Acting on behalf of the owner with respect to all matters related to the application, including but not limited to fulfilling conditions and acquiring the Secretary-Treasurer's Certificate,

3. \_\_\_\_\_ ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

**AND**, I do hereby declare and confirm that I am the (an) owner of the land to which this application relates;

**AND**, I do hereby ratify, confirm and adopt as my own, the act(s), representation(s), reply (replies) and commitment(s) made on my behalf by the said agent(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of the owner, or where the owner is a firm or corporation, the signing officer of the owner.)

\_\_\_\_\_  
(Where the owner is a firm or corporation, please type or print the full name of the person signing.)

**NOTES:**

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If there is more than one owner, **all owners** shall complete and sign **individual** appointment and authorization forms.
3. If the agent is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

**PERMISSION TO ENTER**

To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

LOCATION OF THE SUBJECT LAND: \_\_\_\_\_

I/We, \_\_\_\_\_  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

\_\_\_\_\_  
(where the owner is a firm or corporation, please print or type the full name of the person signing.)

***NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto***

**NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION**



**APPLICATION INSTRUCTION AND INFORMATION SHEET**

**Request for Changes to Conditions of Provisional Consent**

(Also see Instructions on the application form)

1. The application shall be filed with the Secretary-Treasurer, Committee of Adjustment, City of Brampton, 2 Wellington Street West, Brampton, together with the applicable fee in **cash, debit, credit card or cheque made payable to the Treasurer, City of Brampton.**
  
2. **FEES:** (pursuant to City of Brampton By-Law 221-2005)
 

(a) Application for Consent [Planning Act subsection 54 (1)]	<b>\$3,807.00</b>
(b) Application for Certificate of Validation [Planning Act section 57]	<b>\$3,807.00</b>
(c) Application for Approval of Foreclosure of or Exercise of a Power of Sale in a Mortgage or Charge [Planning Act subsection 50(18)]	<b>\$3,807.00</b>
(d) Application requesting Change(s) to the Conditions of Provisional Consent [Planning Act subsection 53(23)]	<b>\$3,807.00</b>
(e) Certificate resulting from an Application noted above	<b>\$1,791.00</b>
(f) Applicant necessitated re-circulation of Notice of an Application	<b>\$222(plus \$4.42/notice)</b>

3. **NUMBER OF APPLICATIONS REQUIRED:**

**One (1)** fully completed copy of the application form with original signatures plus **twenty One (21)** plans no larger than Legal Size (8 1/2" x 14"), fully completed as set out on the application form are to accompany the application.

**INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT OR AGENT**

**\*\*A DETAILED EXPLANATORY LETTER SHOULD ACCOMPANY THE APPLICATION\*\***

**APPLICANTS WILL BE REQUIRED TO POST A SIGN ON THE PROPERTY FOR A MINIMUM OF 14 DAYS PRIOR TO THE HEARING DATE.**

NOTES:

The authority to grant consents under *The Planning Act* has been delegated to the Committee of Adjustment, City of Brampton.

Where required by the Committee of Adjustment, the sketch referred to in the application form shall be a plan of survey signed by an Ontario Land Surveyor but otherwise a sketch, drawn to scale **and in metric units**, is acceptable (see sample sketch on next page).

An application shall be filed including the fee noted above **for each parcel of land being created.**

The application form requires that you provide assessment roll number(s). This number may be found on your property tax assessment notice.

If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "Appointment and Authorization of Agents" form attached.)

*The Statutory Powers Procedure Act* gives the Committee of Adjustment members the power to administer oaths and affirmations and Committee may require evidence before it to be given under oath or affirmation.

**SOME MATTERS USUALLY ADDRESSED**

The Committee having regard to comments, recommendations, evidence, by-laws and policies may impose conditions on favourably considered applications.

Noted below are some of the matters addressed by Committee conditions:

- 1) Certificate fee;
- 2) Copies of the final reference (survey) plan to be provided;
- 3) Payment of money in lieu of conveyance of land for parks or other public recreational purposes;
- 4) Gratuitous conveyance of land for road widening.

Other conditions specific to some properties are noted below:

- a) Site plan approval by:
  - i) Conservation Authority
  - ii) Municipal Department
  
- b) Approval of driveway location;

It is recommended that applicants contact the Planning, Design and Development Department and Transportation and Works Department and other appropriate commenting agencies; however, it is noted that the Committee of Adjustment will make a decision on the merits of the application.

The above information related to conditions is general and should you wish specific information related to an application please contact the Committee office.

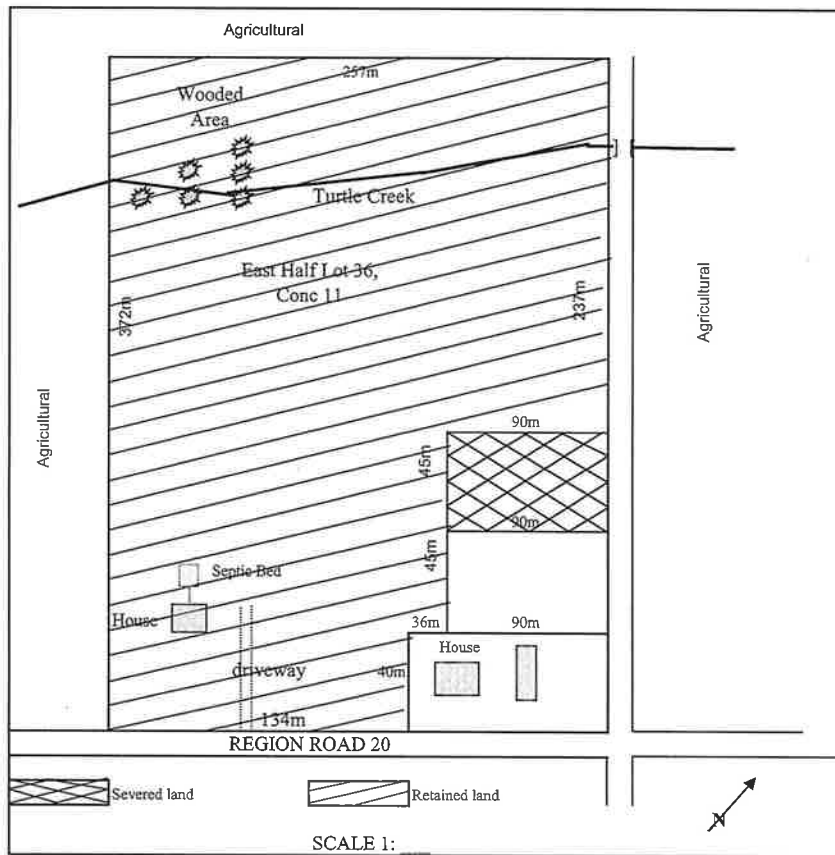
**A DEVELOPMENT CHARGE MAY BE PAYABLE AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT**

---

**A PRELIMINARY PROCESSING FEE MAY BE REQUIRED BY THE CONSERVATION AUTHORITY  
TORONTO & REGION CONSERVATION - \$1400.00 OR  
CREDIT VALLEY CONSERVATION - \$410.00**

---

**SAMPLE OF REQUIRED SKETCH**







APPLICATION NUMBER: "B" \_\_\_\_\_

The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton, 905-874-2118.

**APPLICATION**  
**Request for Changes to Conditions of Provisional Consent**  
(Please read Instructions)

1. Name of requester \_\_\_\_\_  
(print given and family names in full)

Address \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

2. Name of requester's Authorized Agent \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

3. Application number of the provisional consent: \_\_\_\_\_

4. Provisional Consent applicant(s) name: \_\_\_\_\_

5. Identify and print/type the condition(s) requested to be changed by this request [add additional sheet(s), if necessary]:

\_\_\_\_\_

\_\_\_\_\_

6. Indicate the change(s) to each condition requested to be changed [add additional sheet(s), if necessary]:

\_\_\_\_\_

\_\_\_\_\_

7. Give an explanation for each change requested [add additional sheet(s), if necessary]:

\_\_\_\_\_

\_\_\_\_\_

8. Give reasons for each change requested [add additional sheet(s), if necessary]:

\_\_\_\_\_

\_\_\_\_\_

Dated at the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Check box if applicable:

I have the  
authority to  
bind the  
Corporation

\_\_\_\_\_  
(Signature of applicant, or authorized agent, see note below)

**NOTE:** If this request for changes to conditions of provisional consent is signed by an agent or solicitor on behalf of the requester, the requester's written authorization must accompany this request. If the requester is a Corporation acting without agent or solicitor, this request must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation. If this request is signed by an agent or solicitor on behalf of the requester who is a Corporation, the requester's written authorization must accompany this request and must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has authority to bind the Corporation.

APPOINTMENT AND AUTHORIZATION OF AGENT(S)

To: The Committee of Adjustment, City of Brampton,

I, \_\_\_\_\_  
(Please print or type full name of the owner)

the undersigned, hereby appoint and authorize/have appointed and authorized as my agent(s) for the purpose of:

1. Signing and filing the application(s) on behalf of the undersigned;

1. \_\_\_\_\_  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

2. Representing the undersigned before the Committee of Adjustment,

2. \_\_\_\_\_  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

3. Acting on behalf of the owner with respect to all matters related to the application, including but not limited to fulfilling conditions and acquiring the Secretary-Treasurer's Certificate,

3. \_\_\_\_\_  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

AND, I do hereby declare and confirm that I am the (an) owner of the land to which this application relates;

AND, I do hereby ratify, confirm and adopt as my own, the act(s), representation(s), reply (replies) and commitment(s) made on my behalf by the said agent(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of the owner, or where the owner is a firm or corporation, the signing officer of the owner.)

\_\_\_\_\_  
(Where the owner is a firm or corporation, please type or print the full name of the person signing.)

**NOTES:**

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If there is more than one owner, **all owners** shall complete and sign **individual** appointment and authorization forms.
3. If the agent is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.



**APPLICATION INSTRUCTION AND INFORMATION SHEET**

**Certificate of Validation**

(Also see Instructions on the application form)

1. The application shall be filed with the Secretary-Treasurer, Committee of Adjustment, City of Brampton, 2 Wellington Street West, Brampton, together with the applicable fee in **cash, debit, credit card or cheque made payable to the Treasurer, City of Brampton.**
  
2. **FEES:** (pursuant to City of Brampton By-Law 221-2005)
 

(a) Application for Consent [Planning Act subsection 54 (1)]	<b>\$3,807.00</b>
(b) Application for Certificate of Validation [Planning Act section 57]	<b>\$3,807.00</b>
(c) Application for Approval of Foreclosure of or Exercise of a Power of Sale in a Mortgage or Charge [Planning Act subsection 50(18)]	<b>\$3,807.00</b>
(d) Application requesting Change(s) to the Conditions of Provisional Consent [Planning Act subsection 53(23)]	<b>\$3,807.00</b>
(e) Certificate resulting from an Application noted above	<b>\$1,791.00</b>
(f) Applicant necessitated re-circulation of Notice of an Application	<b>\$222 (plus \$4.42/notice)</b>

3. **NUMBER OF APPLICATIONS REQUIRED:**

**One (1)** fully completed copy of the application form (single sided) with original signatures. Fifteen (15) plans no larger than Legal Size (8 1/2 x 14), are to accompany the application.

**INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT OR AGENT**

**A DETAILED EXPLANATORY LETTER SHOULD ACCOMPANY THE APPLICATION**

**APPLICANTS WILL BE REQUIRED TO POST A SIGN ON THE PROPERTY FOR A MINIMUM OF 14 DAYS PRIOR TO THE HEARING DATE (SIGNAGE NOT REQUIRED FOR CERTIFICATE OF VALIDATION)**

**NOTES:**

The authority to grant consents under *The Planning Act* has been delegated to the Committee of Adjustment, City of Brampton.

Where required by the Committee of Adjustment, the sketch referred to in the application form shall be a plan of survey signed by an Ontario Land Surveyor but otherwise a sketch, drawn to scale **and in metric units**, is acceptable (see sample sketch on next page).

An application shall be filed including the fee noted above **for each parcel of land being created.**

The application form requires that you provide assessment roll number(s). This number may be found on your property tax assessment notice.

If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "Appointment and Authorization of Agents" form attached.)

*The Statutory Powers Procedure Act* gives the Committee of Adjustment members the power to administer oaths and affirmations and Committee may require evidence before it to be given under oath or affirmation.

**SOME MATTERS USUALLY ADDRESSED**

The Committee having regard to comments, recommendations, evidence, by-laws and policies may impose conditions on favourably considered applications.

Noted below are some of the matters addressed by Committee conditions:

- 1) Certificate fee;
- 2) Copies of the final reference (survey) plan to be provided;
- 3) Payment of money in lieu of conveyance of land for parks or other public recreational purposes;
- 4) Gratuitous conveyance of land for road widening.

Other conditions specific to some properties are noted below:

- a) Site plan approval by:
  - i) Conservation Authority
  - ii) Municipal Department; and/or,
- b) Approval of driveway location;

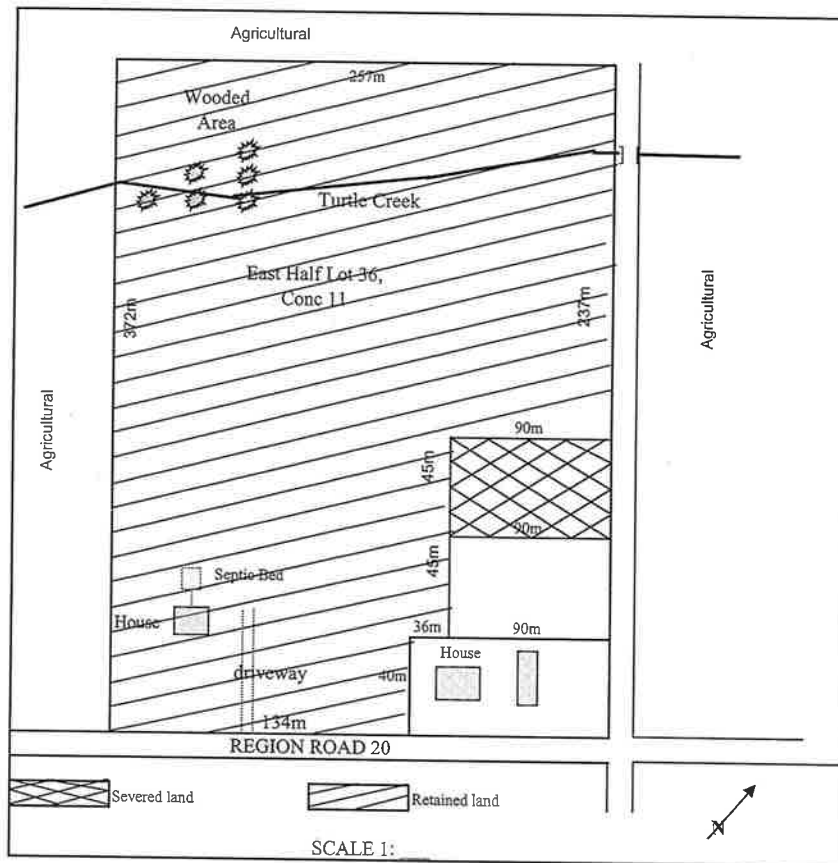
It is recommended that applicants contact the Planning, Design and Development Department and Transportation and Works Department and other appropriate commenting agencies; however, it is noted that the Committee of Adjustment will make a decision on the merits of the application.

The above information related to conditions is general and should you wish specific information related to an application please contact the Committee office.

**A DEVELOPMENT CHARGE MAY BE PAYABLE AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT**

**A PRELIMINARY PROCESSING FEE MAY BE REQUIRED BY THE CONSERVATION AUTHORITY  
TORONTO & REGION CONSERVATION - \$1,400.00 OR  
CREDIT VALLEY CONSERVATION - \$410.00**

**SAMPLE OF REQUIRED SKETCH**





APPLICATION NUMBER: "V" \_\_\_\_\_

The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton, 905-874-2118.

**APPLICATION**  
**Certificate of Validation**  
(Please read Instructions)

Note: The applicant shall provide the Committee of Adjustment with such information or material as may be required.

1. (a) Name of Owner/Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

(b) Name of Authorized Agent \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

2. In whose name(s) is the property registered? \_\_\_\_\_

3. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.  
\_\_\_\_\_

4. Description of the subject land:

a) Name of Street \_\_\_\_\_ Number \_\_\_\_\_

b) Concession Number \_\_\_\_\_ Lot(s) \_\_\_\_\_

c) Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_

d) Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

e) Assessment Roll No. \_\_\_\_\_ Geographic or Former Township \_\_\_\_\_

5. Are there any easements or restrictive covenants affecting the subject land? Yes  No

Specify: \_\_\_\_\_

6. Description of land for which the certificate of validation is requested:

a) Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

b) Existing use \_\_\_\_\_ Proposed Use \_\_\_\_\_

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) \_\_\_\_\_

(proposed) \_\_\_\_\_

Has a building permit ever been issued (specify date and number)? \_\_\_\_\_

Has construction commenced (specify date)? \_\_\_\_\_

d) Access will be by: Existing Proposed

Provincial Highway

Municipal Road - Maintained all year

Other Public Road

Water

Regional Road

Seasonal Road

Private Right of Way

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

\_\_\_\_\_

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system

Lake or other body of water

Privately owned and operated individual or communal well

Other (specify): \_\_\_\_\_

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system

Privy

Privately owned and operated individual or communal septic

Other (specify): \_\_\_\_\_

7. Did the previous owner retain any interest in the subject land?(Specify) \_\_\_\_\_

8. Did you have any interest in any other land in the municipality? Yes  No

If so, describe each separate parcel (attach additional list(s) if necessary)

Geographic Township	Concession/Plan	Lot/Block	Reference Plan	Parts	Validation of Title Required

9. Why do you consider your title may require validation?

\_\_\_\_\_  
\_\_\_\_\_

10. What is the current designation of the subject land in any applicable zoning by-law and official plan?

Zoning By-Law \_\_\_\_\_

Official Plan:

City of Brampton \_\_\_\_\_

Region of Peel \_\_\_\_\_

11. Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act and if the answer is yes and if known, the file number of the application and the decision on the application?

No  Yes  File # \_\_\_\_\_ Decision: \_\_\_\_\_

12. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment	_____	_____
Zoning By-law Amendment	_____	_____
Minister's Zoning Order	_____	_____
Minor Variance	_____	_____
Validation of the Title	_____	_____
Approval of Power and Sale	_____	_____

13. A sketch and key map shall be included, see details at the end of this form.

14. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Check box if applicable:

I have the authority to bind the Corporation

\_\_\_\_\_  
(Signature of Applicant, or Authorized Agent, see note on next page)

**DECLARATION**

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_

in the County/District/Regional Municipality of \_\_\_\_\_ Solemnly declare that all the statements contained in the application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of applicant/solicitor/authorized agent, etc.

\_\_\_\_\_  
Signature of Commissioner, etc.

**FOR OFFICE USE ONLY - To be completed by the Zoning Division**

This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Date

DATE RECEIVED \_\_\_\_\_

NOTES

1. If this application is signed by an agent or solicitor on behalf of the applicant, the owner's written authorization must accompany this application. If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation. If the application is signed by an agent or solicitor on behalf of the applicant who is a Corporation, the applicant's written authorization must accompany this application and must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation.
2. Each copy of the application must be accompanied by a sketch **and a key map** showing location of the subject land.
3. Sketches or reproductions are to be no larger than Legal Size. Application plans which are larger may be submitted provided at least **one reproduction** reduced to Legal Size is filed with the application.
4. Where it is determined that a sketch will not adequately provide the information required, it may be necessary to provide a plan prepared by an Ontario Land Surveyor.
5. The sketch shall show:
  - a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - c) the boundaries and dimensions of the subject land, the part that is to be severed (shown in double hatch lines XXXX) and the part that is to be retained (shown in single hatched lines ///);
  - d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
  - g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
  - i) the location and nature of any easement affecting the subject land; and,
  - j) if a natural or artificial feature is to be the proposed new property line or part thereof, identify the feature(s) as such on the sketch.
6. It is required that **1 original copy** of this application be filed, together with **15 copies** of the sketch described in item 2 above, with the Secretary-Treasurer, accompanied by the applicable fee.



**APPOINTMENT AND AUTHORIZATION OF AGENT(S)**

To: The Committee of Adjustment, City of Brampton,

I, \_\_\_\_\_,  
(Please print or type full name of the owner)

the undersigned, hereby appoint and authorize/have appointed and authorized as my agent(s) for the purpose of:

1. Signing and filing the application(s) on behalf of the undersigned;

1. \_\_\_\_\_;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

2. Representing the undersigned before the Committee of Adjustment,

2. \_\_\_\_\_;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

3. Acting on behalf of the owner with respect to all matters related to the application, including but not limited to fulfilling conditions and acquiring the Secretary-Treasurer's Certificate,

3. \_\_\_\_\_;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

**AND**, I do hereby declare and confirm that I am the (an) owner of the land to which this application relates;

**AND**, I do hereby ratify, confirm and adopt as my own, the act(s), representation(s), reply (replies) and commitment(s) made on my behalf by the said agent(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of the owner, or where the owner is a firm or corporation, the signing officer of the owner.)

\_\_\_\_\_  
(Where the owner is a firm or corporation, please type or print the full name of the person signing.)

**NOTES:**

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If there is more than one owner, all owners shall complete and sign **individual** appointment and authorization forms.
3. If the agent is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.



**BRAMPTON**  
Flower City

# Committee of Adjustment

Hearing: Brampton City Hall JUNE 20, 2023

Application No.(s) B-2023-0017

Purpose of Application(s) CREATION OF AN

EASEMENT (SERVICING EASEMENT. SANITARY SEWER

---

**For information or written notice of hearing**

**Call: 905.874.2117**

**TTY: 905.874.2130**

**cityclerksoffice@brampton.ca**



**BRAMPTON**  
Flower City

# Committee of Adjustment

Hearing: Brampton City Hall JUNE 20, 2023

Application No.(s) A-2023-0149

Purpose of Application(s) RELIEF FROM THE BY-LAW  
FOR DRIVEWAY WIDTH AND REDUCED

PERMEABLE LAND SCAPING

**For information or written notice of hearing**

**Call: 905.874.2117**

**TTY: 905.874.2130**

**cityclerksoffice@brampton.ca**

**IN THE MATTER OF THE REQUIRED SIGN(S) TO BE POSTED ON THE PROPERTY  
SUBJECT OF APPLICATION(S) TO COMMITTEE OF ADJUSTMENT TO MEET THE  
NOTICE REQUIREMENTS OF ONTARIO REGULATION 197/96 AMENDED BY  
ONTARIO REGULATION 505/98 AND ONTARIO REGULATION 200/96 AMENDED BY  
ONTARIO REGULATION 508/98**

**AFFIDAVIT**

I, \_\_\_\_\_ of the city town of \_\_\_\_\_ in the  
(your name) (check appropriate box) (Name of city, town, village)

Regional Municipality of \_\_\_\_\_ being the applicant authorized agent agent's rep  
(Region) (check appropriate box)

having made application(s) to the *Committee of Adjustment of the Corporation of the  
City of Brampton*

for the property located at \_\_\_\_\_ **37 ESKER DRIVE** \_\_\_\_\_  
(the subject property)

MAKE OATH AND SAY AS FOLLOWS:

1. I hereby declare that I will post the required sign(s) **along each street frontage of the property,  
approximately 1.0m – 1.5m in height, either on the property line or not more than 1.0m back  
from the property line** in a location clearly visible from the street for the following period of time  
including on the face of the sign the following information:

- (a) Application Number(s) A-2023-0149
- (b) Date, Time and Location of the Hearing TUESDAY, JUNE 20, 2023 at 9:00 A.M. City Hall
- (c) Date to be erected FRIDAY, JUNE 09, 2023 (or sooner)
- (d) Date to be removed WEDNESDAY, JUNE 21, 2023

Sworn before me at the City of Brampton  
in the Regional Municipality of Peel, this

\_\_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
Signature of Applicant/Authorized Agent

\_\_\_\_\_  
A Commissioner, etc.

**FAILURE TO COMPLY WITH THE POSTING REQUIREMENTS  
WILL RESULT IN YOUR  
APPLICATION BEING DEFERRED**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **PUNEET THAKRAL AND GANGA BISHT** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 165, Plan 43M-1922 municipally known as **150 VANHORNE CLOSE**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an exterior side yard setback of 0.07m (0.23 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2m (3.94 ft).

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: NO File Number: \_\_\_\_\_  
Application for Consent: NO File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, June 20, 2023 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of an Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.

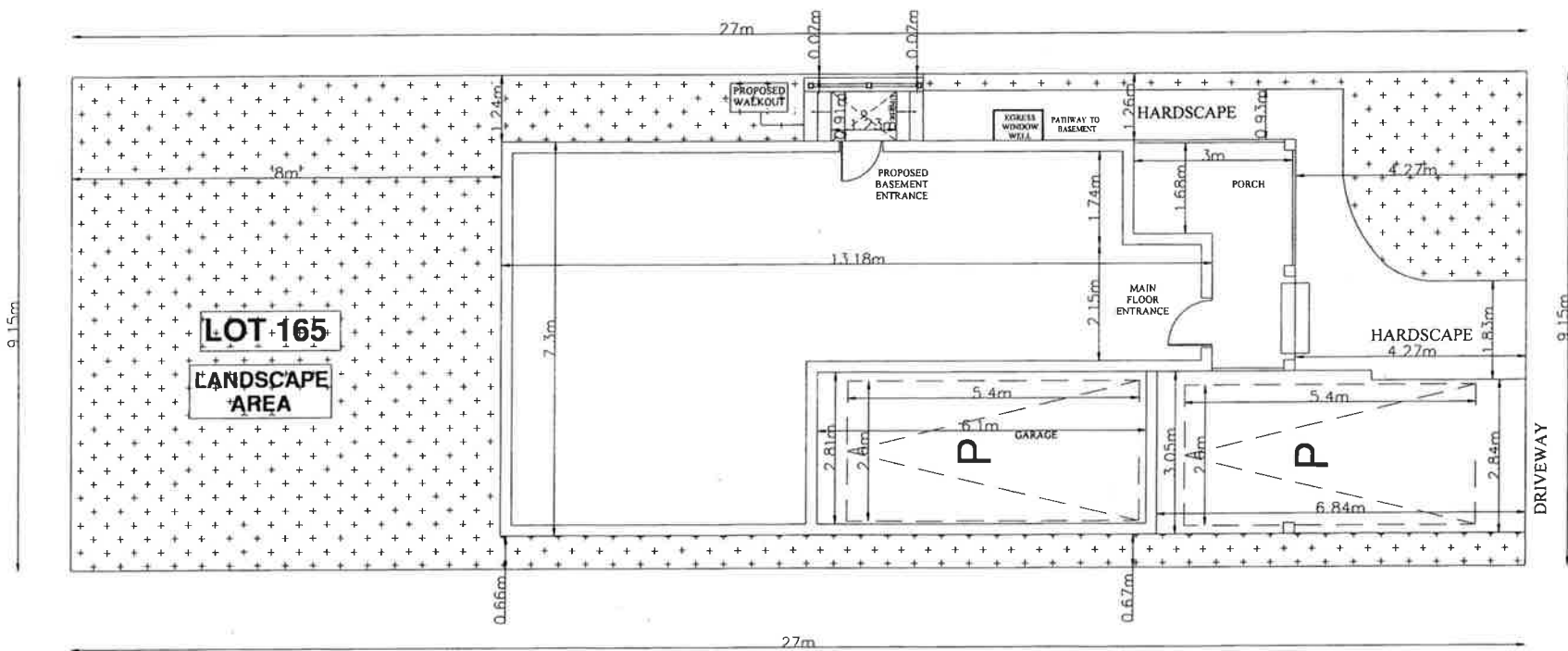
**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

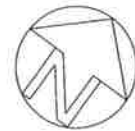
DATED at Brampton Ontario, this 8th Day of June, 2023.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



**SITE PLAN**  
**SCALE 1:100**



**150 VANHORNE CL**

**GENERAL NOTES**

DO NOT SCALE DRAWINGS  
 PROPERTY RIGHTS RETAINED BY:  
 BG CONSTRUCTION DESIGN  
 ANY REPRODUCTION IN WHOLE OR IN PART  
 UNDER THE RULES AND BY-LAWS OF THE  
 CORPORATION IS STRICTLY FORBIDDEN.  
 ANY REPRODUCTIONS MUST BE  
 AUTHORIZED BY  
 ALL DRAWINGS ARE IN METRIC SCALE

**SCOPE OF WORK**

**PROPOSAL TO CONSTRUCT  
 SECONDARY UNIT AND  
 BELOW GRADE ENTRANCE  
 FROM REAR YARD**

THE UNDERSIGNED HAS REVIEWED AND  
 TAKES RESPONSIBILITY FOR THIS DESIGN,  
 AND HAS THE QUALIFICATIONS AND  
 MEETS THE REQUIREMENTS SET OUT  
 IN THE ONTARIO BUILDING CODE  
 TO BE A DESIGNER.

**QUALIFICATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT  
 UNDER DIV. C.3.2.5.1 OF THE BUILDING CODE**

**SHIVANG TARIKA**      **10640**  
 NAME      SIGNATURE      BCIN

*SHIVANG TARIKA*

NO	REVISION / ISSUE	DATE

**SITE PLAN**

CITY : BRAMPTON

150 VANHORNE CL

EXISTING DWELLING

PROJECT	SHEET <b>A1</b>
MAY 2023	
SCALE 1:100	



Revised Agenda  
Committee of Adjustment  
The Corporation of the City of Brampton

**Date:** Tuesday, January 3, 2023  
**Time:** 9:00 a.m.  
**Location:** Hybrid Meeting - Virtual Option & In-Person in Council Chambers – 4th Floor – City Hall  
**Members:** Ron Chatha (Chair)  
Desiree Doerfler (Vice-Chair)  
Ana Cristina Marques  
David Colp

The CoA meeting agenda, including minor variance and consent applications only, is published two Fridays prior to the scheduled Hearing date and the revised agenda, including staff reports and additional correspondence, etc. related to each application, is published the Friday prior to the scheduled Tuesday Hearing date.

NOTICE: In-person public attendance at the meeting may be limited due to prevailing public health gathering requirements. Public and other meeting participants are encouraged to observe meetings online or participate remotely by contacting the City Clerk's Office through the contact details below.

For inquiries about this agenda, or to make arrangements for accessibility accommodations (some advance notice may be required), please contact:  
Jeanie Myers, Secretary-Treasurer, Telephone 905.874.2117, [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca)

---

1. Call to Order

\*2. Adoption of Minutes

\*3. Region of Peel Comments

4. Declarations of Interest under the Municipal Conflict of Interest Act

\*5. Withdrawals/Deferrals

Letter dated December 21, 2022 from Tanvir Rai, Noble Prime Solutions Ltd, requesting a deferral for application B-2022-0026 (Agenda Item 6.1).

6. NEW CONSENT APPLICATIONS

\*6.1 B-2022-0026

KULBIR RAO AND NAVNEET RAO

33 SILKTOP TRAIL

LOT 30, PLAN 43M-1300, WARD 9

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 762.16 square metres (0.188 acres). The proposed severed lot has a frontage of approximately 13.95 metres (45.77 feet), a depth of approximately 25 metres (82.02 feet) and an area of approximately 387.25 square metres (0.096 acres). The effect of the application is to create a new residential lot for future development of a single detached dwelling.



**\*6.2**

**B-2022-0027**

AECON CONSTRUCTION AND MATERIALS LIMITED

45, 55 VAN KIRK DRIVE/12 CANAM CRESCENT

PART OF LOT 11, CONCESSION 1 W.H.S., WARD 2

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 60,192.90 square metres (6.02 hectares). The proposed severed lot has a frontage of approximately 112.09 metres (367.75 feet), a depth of approximately 118.63 metres (389.20 feet) and an area of approximately 6,457.97 square metres (0.65 hectares). The effect of the application is to establish two separate lots from the existing lot to facilitate the sale of the proposed severed lot for future development.

**7. DEFERRED CONSENT APPLICATIONS**

**8. NEW MINOR VARIANCE APPLICATIONS**

**\*8.1**

**A-2022-0370**

EVELYN MONTEMAYOR AND MARK DAQUIZ

21 NEWPORT STREET

LOT 103, PLAN M-441, WARD 7

The applicants are requesting the following variance(s):

1. To permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.) whereas the by-law permits an open roofed framework structure to encroach a maximum of 2.0m (6.56 ft.) into a required rear yard; resulting in a rear yard setback of 6.38m (20.93 ft.);
2. To permit lot coverage of 31.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a driveway width of 9.064m (29.73 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.).

**\*8.2 A-2022-0371**

MOHAMMED FASIULLAH MASOOD AND MUMTAZ SHABANA MOHAMMED  
14 DUBLIN ROAD  
LOT 90, PLAN 43M-1878, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the front lot line whereas the by-law does not permit a below grade entrance in the front yard;
2. To permit a front yard setback of 1.96m (6.43 ft.) to a below grade entrance whereas the by-law requires a minimum front yard setback of 3.0m (9.84 ft.).

**\*8.3 A-2022-0374**

HARJINDERPAL SINGH GORAYA  
44 RAVENSWOOD DRIVE  
LOT 130, PLAN M-774, WARD 4

The applicant is requesting the following variance(s):

1. To permit a rear yard setback of 6.09m (19.98 ft.) to a one storey rear addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.) to a rear addition;
2. To permit a rear yard setback of 0.1m (0.33 ft.) to an existing accessory structure (shed) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

**\*8.4 A-2022-0375**

HARMESH BRAR AND MANJOTPREET BRAR  
8 ELDERBANK COURT  
LOT 4, PLAN M-565, WARD 2

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the interior side yard having a setback of 0.05m (0.16 ft.) whereas the by law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling.

**\*8.5**

**A-2022-0376**

JITESH SHARAWAT AND ANJALI SHARMA

9 LEAGROVE STREET

LOT 199, PLAN M-1386, WARD 6

The applicants are requesting the following variance(s):

1. To permit existing accessory structures (shed and play structure) to be located in the exterior side yard whereas the by-law does not permit accessory structures in an exterior side yard;
2. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
3. To permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line.

**\*8.6**

**A-2022-0377**

AMRITPAL SINGH

35 BOUNDBROOK DRIVE

PART OF LOT 506, PLAN 43M-1748, PART 27, PLAN 43R-32503, WARD 2

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in the interior side yard whereas the by-law does not permit a below grade entrance in the interior side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (gazebo) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

**\*8.7**

**A-2022-0378**

ASHOK KUMAR BODALIA AND KAUSHIKABEN BODALIA

9 LADYSMITH STREET

LOT 41, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 8.03m (26.35 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

**\*8.8**

**A-2022-0379**

KARAMPREET GILL

6 KEYSTONE DRIVE

LOT 59, PLAN M-414, WARD 3

The applicant is requesting the following variance(s):

1. To permit a maximum lot coverage of 35.8% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 0.7m (2.30 ft.) on the east and 1.5m (4.92 ft.) on the west to the second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (8.91 ft.) to the second storey.

**\*8.9 A-2022-0380**

KAMALJIT DULKU AND PREETI DULKU

8 LABRISH ROAD

PART OF BLOCK 393, PLAN 43M-2058, PARTS 19 AND 20, PLAN 43R-39.61,  
WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the flankge lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankge lot line.

**\*8.10 A-2022-0381**

SANDEEP DHALIWAL AND DEVINDER

88 KINGKNOLL DRIVE

LOT 5, PLAN M-779, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 9.55m (31.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

**\*8.11 A-2022-0382**

RUPALI SANDEEP BUCHAKE

39 FORSYTHIA ROAD

PART OF LOT 539, PLAN M-811, WARD 8

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.32m (24 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an interior side yard setback of 0.0m to an existing side yard porch whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
3. To permit lot coverage of 35.24% whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling.

PARDEEP SINGH AND PAWANJOT DHANOA

40 BELLINI AVENUE

LOT 112, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit a detached garage where there is an existing attached garage on the lot whereas the by-law permits an attached garage only if there is no attached garage already on the lot;
2. To permit a detached garage with an area of 216.02 sq. m (2325.22 sq. ft.) whereas the by-law permits a detached garage with a maximum area of 48 sq. m (516.67 sq. ft.);
3. To permit a detached garage having a height of 7.26m (23.82 ft.) whereas the by-law permits a detached garage with a maximum height of 4.5 m (14.76 ft.);
4. To permit a maximum height of 11.12m (36.48 ft.) for the main dwelling whereas the by-law permits the main dwelling to have a maximum height of 10.6m (34.78 ft.).

**\*8.13**

**A-2022-0384**

STEVEN ALLIN AND MARY ANN ALLIN

11 ALEXANDER STREET

PART OF LOT 110, PLAN BR-2, PART 1, PLAN 43R-20649, WARD 1

The applicants are requesting the following variance(s):

1. To permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door, whereas the by-law only permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2 m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit;
3. To permit a rear yard setback of 11.1m (36.42 ft.) whereas the by-law requires a minimum rear yard setback of 25% of the lot depth resulting in a minimum setback of 11.36m (37.27 ft.);
4. To permit lot coverage of 38% whereas the by-law permits a maximum lot coverage of 30%.

**Note:** Approval was granted under application A-2022-0269 to permit lot coverage of 36%.

**\*8.14**

**A-2022-0385**

CHETAN KUMAR MISTRY AND JIGNASHABEN MISTRY

19 MATTHERHORN ROAD

LOT 59, PLAN 43M-2043, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance, resulting in a combined side yard of 0.73m (2.40 ft.) whereas the by-law requires a minimum 0.6m (1.97 ft.) provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.90 ft.).

**\*8.15 A-2022-0386**

KULDEEP MANN AND BEANT MANN

43 SINATRA STREET

LOT 112, PLAN 43M-2060, WARD 9

The applicant is requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.47m (8.10 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

**\*8.16 A-2022-0387**

PEEL CONDOMINIUM CORPORATION 344

50 AND 70 DELTA PARK BOULEVARD

PEEL CONDOMINIUM PLAN 344, LEVEL 1 (LOT 4, CONCESSION 7 N.D.), WARD 8

The applicant is requesting the following variance(s):

1. To provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the by-law requires 50% of the required front yard from the required front yard to the rear most building to be landscaped open space;
2. To permit an aisle leading to parking spaces with a width of 6.1m (20 ft.) whereas the by-law requires an aisle leading to parking spaces with a minimum width of 6.6m (21.65 ft.).

**\*8.17 A-2022-0388**

METRUS (TERRA) PROPERTIES INC.

18 KENVIEW BOULEVARD

PART OF BLOCK 3, PLAN 43M-811, WARD 8

The applicant is requesting the following variance(s):

1. To permit a lot area of 2.14 hectares whereas the by-law requires a minimum lot area of 3.8 hectares.



9. DEFERRED MINOR VARIANCE APPLICATIONS

10. Adjournment



## Report Committee of Adjustment

**Filing Date:** November 21<sup>st</sup> 2022  
**Hearing Date:** January 3<sup>rd</sup> 2023

**File:** A-2022-0370

**Owner/  
Applicant:** EVELYN MONTEMAYOR AND MARK DAQUIZ / DENNIS SINTIC ARCHITECT

**Address:** 21 Newport Street

**Ward:** WARD 7

**Contact:** Chinoye Sunny, Planner I

---

### **Recommendations:**

That application A-2022-0370 is supportable, subject to the following conditions being imposed:

1. That the Owner/Applicant shall obtain a revision permit for the existing rear porch structure with 60 days of the Decision of Approval or extended at the discretion of the Chief Building Official;
  2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

The applicant is requesting three (3) Minor Variances for a reduced rear yard setback for an existing roofed framework structure, increased lot coverage, and an increased driveway width.

### Existing Zoning:

The property is zoned 'Residential Single Detached B (3) (R1B (3)-182)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicants are requesting the following variance(s):

1. To permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.) whereas the by-law permits an open roofed framework structure to encroach a maximum of 2.0m (6.56 ft.) into a required rear yard; resulting in a rear yard setback of 6.38m (20.93 ft.);
2. To permit lot coverage of 31.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a driveway width of 9.064m (29.73 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.).

**Current Situation:**

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and is further designated "Low Density 1 Residential" in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached B (3) (R1B (3)-182)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.) whereas the by-law permits an open roofed framework structure to encroach a maximum of 2.0m (6.56 ft.) into a required rear yard; resulting in a rear yard setback of 6.38m (20.93 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that there is sufficient space is provided for the rear yard amenity area of the property. The existing open roofed structure is used as a patio and seating area, which constitutes as an amenity area in the rear yard. Despite the reduced rear yard setback, the configuration of the existing open roofed structure is not anticipated to negatively impact drainage and access to the rear yard. As such, the general intent and purpose of the Zoning By-law is maintained.

Variance 2 is requesting to permit a lot coverage of 31.3% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriately relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. The existing lot coverage is 1.3% bigger than the maximum permitted lot coverage as required in the City's By-law. The existing rear porch structure on the subject property constitutes to the increased lot coverage. The existing rear porch structure is adequately setback from side lot lines, the increased lot coverage percentage is minimal and does not detract from the overall landscaped are on the property. A condition of approval for this application is that the Owner/Applicant obtain a revised permit for the existing rear porch structure

within 60 days of the decision of approval. Subject to the conditions applied, the general intent and purpose of the Zoning By-law is maintained.

Variance 3 is requesting to permit a driveway width of 9.064m (29.73 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The existing concrete driveway 1.744m (5.722 ft.) wider than the maximum permitted driveway provision within the by-law. The increased width is not considered to significantly impact drainage or access to the property. The existing driveway also maintains the front yard landscaping requirements as per the City's By-law. The Owner is also proposing to add permanent planters to the widened driveway to prohibit parking vehicles on the full width of the existing driveway. As such, the general intent and purpose of the Zoning By-law is maintained.

### 3. Desirable for the Appropriate Development of the Land

The variances requested is to permit a reduced rear yard setback for an existing roofed framework structure, increased lot coverage, and an increased driveway width. Staff do not anticipate any negative impacts to drainage or access to portions based on the requested variances. Furthermore, the increased driveway width is not out of character for the neighbourhood and the permanent planters will aid in preventing an excess of vehicle parking on the subject property. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances are to accommodate the existing site conditions of a rear porch structure, widened driveway, and increased lot coverage on the subject property. The requested variances are not considered to impact access to the rear yard or drainage on adjacent properties, and the increased driveway width is not considered to present negative impacts related to the existing conditions of the driveway and hard landscaping. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I

FILE NUMBER A-2023-0143

HEARING DATE MAY 30, 2023

APPLICATION MADE BY \_\_\_\_\_ ISLAMIC SOCIETY OF PEEL \_\_\_\_\_

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; **ZONING BY-LAW 270-2004** AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE(S):

1. To permit a gross floor area of 1504 square metres.

(8450 TORBRAM ROAD, PART OF LOT 2, CONCESSION 5 EHS)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

**SEE SCHEDULE "A" ATTACHED**

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: D. Doerfler

SECONDED BY: A.C Marques

CHAIR OF MEETING: RON CHATHA

WE THE COMMITTEE MEMBERS NOTED BELOW HEREBY CONCUR IN THE DECISION

**AUTHORIZED BY VOTE HELD AT A MEETING ON MAY 30, 2023**

RON CHATHA, MEMBER

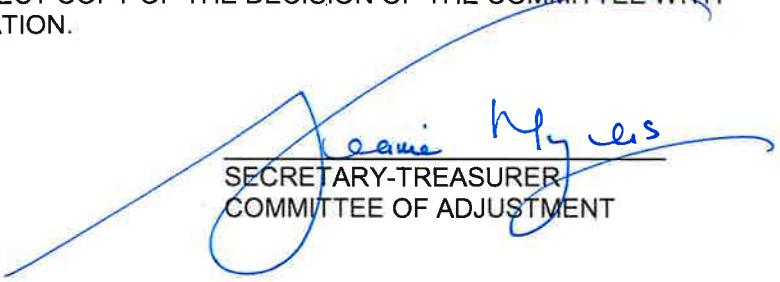
ANA CRISTINA MARQUES, MEMBER

DESIREE DOERFLER, MEMBER

DATED THIS 30TH DAY OF MAY, 2023

**NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE JUNE 19, 2023**

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.



SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca


THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A-2023-0143**

DATED: **May 30, 2023**

Conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of Committee shall render the approval null and void.

  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment



**nid n nad**  
graphics & printing inc.

39 Danesbury Crescent  
Brampton, ON L6T 1T2  
647-920-4209  
nidnnad@gmail.com

**PROJECT**

**JAME MAKKI MASJID**  
8450 Torbram Rd,  
Brampton, ON  
L6T 4M9

**DRAWING TITLE**

**SITE PLAN**

**DRAWN BY**

**NADIM PAUL**

**SCALE**

**AS SHOWN**

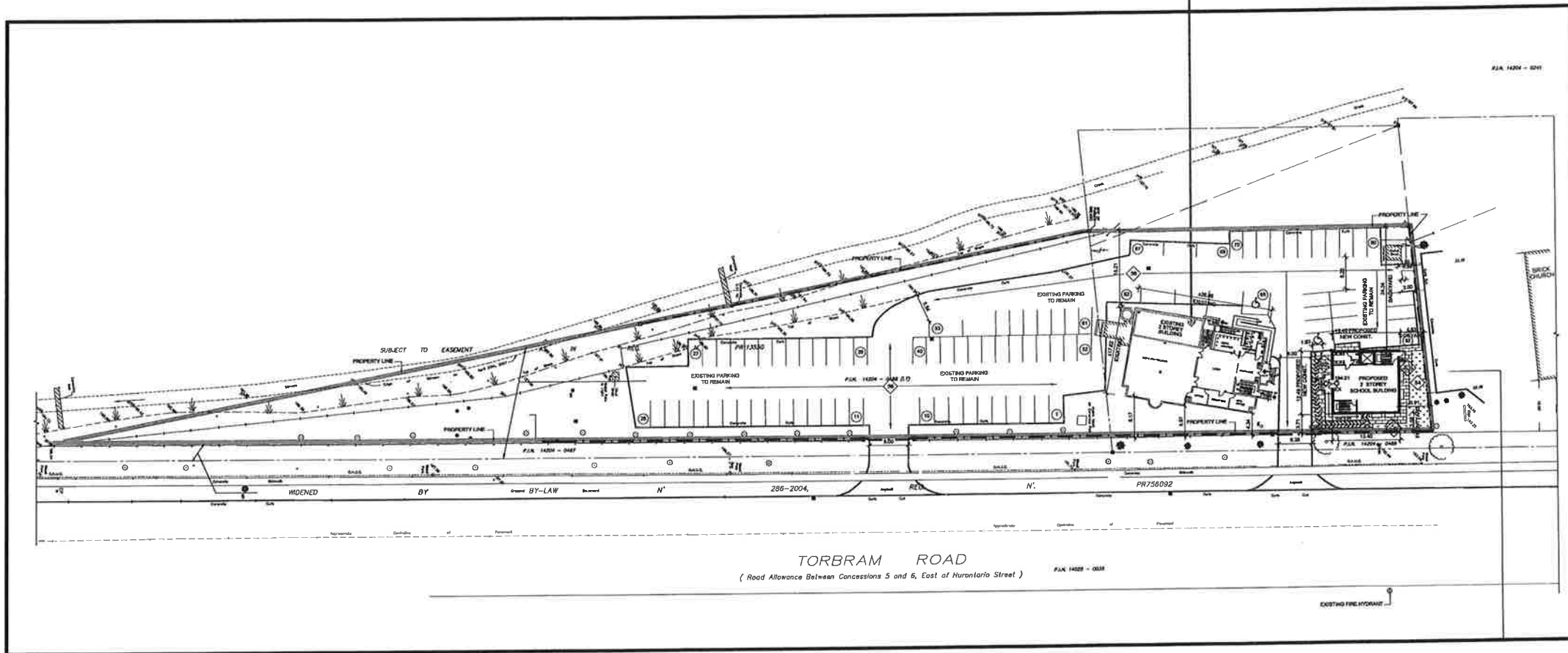
**DATE**

**APR 26, 2023**

**DRAWING NO**

**MMM-02**

Proposed Location for  
Mezzanine Library Structure and  
dimensions shown in metric units



Existing GFA 1038.62m<sup>2</sup> +proposed GFA 88.2579m<sup>2</sup> = Total GFA 1126.8779m<sup>2</sup>

**Date:** January 3, 2023  
**Time:** 9:00 a.m.  
**Location:** Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

**Members:** Ron Chatha (Chair)  
Desiree Doerfler (Vice Chair)  
Ana Cristina Marques  
David Colp

**Staff:** Mohamed Jalabi, Assistant Development Planner  
Simran Sandhu, Assistant Development Planner  
Chinoye Sunny, Development Planner  
Rajvi Patel, Development Planner  
Megan Fernandes, Planning Technician  
Ales Sepe, Principal Planner/Supervisor, Development Services  
Ross Campbell, Supervisor, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 am and adjourned at 10:58 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT the minutes of the Committee of Adjustment hearing held December 6, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated December 16, 2022

4. **Declarations of Interest Under the Municipal Conflict of Interest Act:**

Member Desiree Doerfler declared a conflict of interest on Application A-2022-0387 in the name of Peel Condominium Corporation 344 due to previous ties to a former family member.



Committee of Adjustment Minutes

5. **Withdrawals/Deferrals**

**B-2022-0026 (Agenda Item 6.1)**

KULBIR RAO AND NAVNEET RAO

33 SILKTOP TRAIL

LOT 30, PLAN 43M-1300, WARD 9

Committee acknowledged receipt of a letter dated December 21, 2022 from Tanvir Rai, Noble Prime Solutions Ltd. requesting a deferral of Application B-2022-0026 to work with staff towards a solution that will be acceptable.

Mr. Rai was in attendance to acknowledge the request for a deferral in accordance with the recommendation of staff.

Committee acknowledged receipt of a letter dated December 21, 2022 from MHBC Planning on behalf of TransCanada Pipelines Limited (TCPL) requesting the landowner be required to enter into an agreement with TCPL and same be registered on title prior to the registration of a reference plan.

Staff advised that a deferral is recommended no later than the last hearing of March, 2023. Staff explained that during the review of the application, Traffic Services Staff had expressed concerns regarding the proposed severed lot driveway connection to the public road noting that there is currently an active Site Plan Approval application to build a proper cul-de-sac that could potentially impact the driveway connection for the severed lot. Staff advised that a deferral will provide an opportunity for the applicant to amend the application to the satisfaction of City Staff.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2022-0026 be deferred no later than the last hearing of March, 2023.

CARRIED

**B-2022-0027 (Agenda Item 6.2)**

AECON CONSTRUCTION AND MATERIALS LIMITED

45, 55 VAN KIRK DRIVE/12 CANAM CRESCENT

PART OF LOT 11, CONCESSION 1 W.H.S., WARD 2

The Chair announced that staff recommends deferral of application B-2022-0027 to a hearing no later than the last hearing of March, 2023.

## Committee of Adjustment Minutes

Mr. Mustafa Ghassan, Delta Urban Inc., authorized agent for the applicant was in attendance to acknowledge the request for a deferral. He inquired if Committee could continue with the application while he sorted out the details later.

Staff advised that a deferral is recommended no later than the last hearing of March, 2023. Staff explained that while reviewing the Site Servicing Brief provided by the applicant, Engineering staff found that a sanitary easement may be required as a catch basin appears to be located on the retained parcel. Engineering staff are now requesting for an underground survey to be conducted and a Servicing Plan to be submitted. Staff advised that the information is requested prior to making a recommendation to the Committee of Adjustment.

Mr. Ghassan acknowledged his understating noting that he would like to return to the Committee sooner if possible. The Chair explained that the application could be considered earlier if all the information has been provided to staff to advance the application.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2022-0027 be deferred no later than the last hearing of March, 2023.

CARRIED

### 6. **NEW CONSENT APPLICATIONS** (*Deferred as discussed during procedural matters*)

#### 6.1. **B-2022-0026**

KULBIR RAO AND NAVNEET RAO

33 SILKTOP TRAIL

LOT 30, PLAN 43M-1300, WARD 9

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 762.16 square metres (0.188 acres). The proposed severed lot has a frontage of approximately 13.95 metres (45.77 feet), a depth of approximately 25 metres (82.02 feet) and an area of approximately 387.25 square metres (0.096 acres). The effect of the application is to create a new residential lot for future development of a single detached dwelling.

#### 6.2. **B-2022-0027** (*Deferred as discussed during procedural matters*)

AECON CONSTRUCTION AND MATERIALS LIMITED

45, 55 VAN KIRK DRIVE/12 CANAM CRESCENT

PART OF LOT 11, CONCESSION 1 W.H.S., WARD 2

## Committee of Adjustment Minutes

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 60,192.90 square metres (6.02 hectares). The proposed severed lot has a frontage of approximately 112.09 metres (367.75 feet), a depth of approximately 118.63 metres (389.20 feet) and an area of approximately 6,457.97 square metres (0.65 hectares). The effect of the application is to establish two separate lots from the existing lot to facilitate the sale of the proposed severed lot for future development.

### 7. **DEFERRED CONSENT APPLICATIONS**

None

### 8. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1. **A-2022-0370**

EVELYN MONTEMAYOR AND MARK DAQUIZ

21 NEWPORT STREET

LOT 103, PLAN M-441, WARD 7

The applicants are requesting the following variance(s):

1. To permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.) whereas the by-law permits an open roofed framework structure to encroach a maximum of 2.0m (6.56 ft.) into a required rear yard; resulting in a rear yard setback of 6.38m (20.93 ft.);
2. To permit lot coverage of 31.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a driveway width of 9.064m (29.73 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.).

Mr. Dennis Sentic, authorized agent for the applicant, presented application A-2022-0370 briefly outlining the variances requested. Mr. Sentic inquired if it staff would support the driveway width without the planters.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff noted that part of the reason for support of the driveway width is because the owner is proposing to implement permanent planters to prohibit parking on the full width of the driveway.

Following discussion, Mr. Sentic indicated that the proposed conditions were acceptable.

## Committee of Adjustment Minutes

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0370 to permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.); to permit lot coverage of 31.3% and to permit a driveway width of 9.064m (29.73 ft.) be approved for the following reasons and subject to the following conditions:

1. That the Owner/Applicant shall obtain a revision permit for the existing rear porch structure within 60 days of the Decision of Approval or extended at the discretion of the Chief Building Official;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.2. **A-2022-0371**

MOHAMMED FASIULLAH MASOOD AND MUMTAZ SHABANA MOHAMMED

14 DUBLIN ROAD

LOT 90, PLAN 43M-1878, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the front lot line whereas the by-law does not permit a below grade entrance in the front yard;
2. To permit a front yard setback of 1.96m (6.43 ft.) to a below grade entrance whereas the by-law requires a minimum front yard setback of 3.0m (9.84 ft.).

Mr. Marwan AL-Farraj, Alfa Engineering Solutions, authorized agent for the applicant, presented application A-2022-0371 briefly outlining the variances requested to facilitate a

## Committee of Adjustment Minutes

basement unit for rental purposes. He explained that the configuration of the lot proposes challenges in terms of where to locate a second entrance noting that the entrance is proposed at the front.

Committee noted that corner lots do pose some challenges in terms of distance from the road and achieving screening with landscaping.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the applicant did express that it would be difficult to achieve any amount of screening noting that there is already an entrance along the same wall.

Committee advised that an alternate would be to install an entrance at the rear noting that there is an air conditioning unit on one side impeding access. Mr. AL-Farraji inquired if Bill 23 would have any impact on the proposal commenting that Bill 23 will allow for additional dwellings which is what he is trying to achieve. He added that the front porch is facing Dublin Road and that another entrance would be on the same level. He failed to see how it would propose an issue.

Committee noted that a garden suite could be considered to achieve a second unit. Committee explained that a separate entrance is required for a second unit and spoke of situations where sometimes there is an entrance through the garage.

Staff advised that they looked at previous similar applications where in one circumstance a garage was divided to provide an entrance to the garage. Committee advised that to approve the application as proposed is not possible however suggested a deferral if the applicant is willing to work with staff towards a resolution.

Mr. AL-Farraji inquired if an additional variance would be required if parking is removed from the garage. Staff advised that there is adequate parking available on site while removing one parking space from the garage. Staff also advised an alternative would be that given that there are already 2 existing accesses on the main floor noting that an interior stairway to the basement could be incorporated into the design.

Mr. Masood, property owner advised that with the high mortgage interest rates it becomes difficult to sustain his family's livelihood. He expressed that these are different times that requires different solutions, stating that an exception should be made.

Committee suggested a deferral date of no later than the last hearing of March, 2023. Committee noted that the application could be withdrawn if no variance is requested based on a new proposal. Mr. AL-Farraji was receptive to Committee's suggestion to defer the application to a future hearing.

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0371 be deferred to a hearing no later than the last hearing of March, 2023.

CARRIED

Committee of Adjustment Minutes

8.3. **A-2022-0374**

HARJINDERPAL SINGH GORAYA

44 RAVENSWOOD DRIVE

LOT 130, PLAN M-774, WARD 4

The applicant is requesting the following variance(s):

1. To permit a rear yard setback of 6.09m (19.98 ft.) to a one storey rear addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.) to a rear addition;
2. To permit a rear yard setback of 0.1m (0.33 ft.) to an existing accessory structure (shed) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Abhay Vaid, authorized agent for the applicant, presented application A-2022-0374 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Vaid indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0374 to permit a rear yard setback of 6.09m (19.98 ft.) to a one storey rear addition and to permit a rear yard setback of 0.1m (0.33 ft.) to an existing accessory structure (shed) in the rear yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

## Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.4. A-2022-0375

HARMESH BRAR AND MANJOTPREET BRAR

8 ELDERBANK COURT

LOT 4, PLAN M-565, WARD 2

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the interior side yard having a setback of 0.05m (0.16 ft.) whereas the by law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0375 briefly outlining the variances requested.

Mr. Brian Patton, 76 Elderbank Court addressed Committee in opposition to the application. He expressed that the proposed changes may be creating another rooming house, noting that there are currently four or five rooming houses on the street. Mr. Patten expressed that 6 to 12 people per house results in excess cars on the street with vehicles parked illegally creating an impediment to snow removal and garbage pick-up. It was his submission that the proposal is of no benefit to the neighbours.

Committee expressed that a second unit is permitted, noting that a rooming house is not a permitted use. In response to a question raised by Committee, Mr. Gogna responded that he does not know if the dwelling is currently rented. Staff confirmed that there is no enforcement action on the property and no request for a second unit has been received.

Committee advised the resident that he could contact by-law enforcement on the matter.

Committee expressed that they are not in a position to understand how the neighbourhood perceives rooming houses expressing that it would be prudent to understand what is happening in the neighbourhood.

Staff advised that an investigation could be initiated advising Committee that there is currently a backlog of complaints. Committee commented that rather than create a result that would increase the backlog it would be helpful to understand and benefit the Committee to know what is happening in the neighbourhood. Committee expressed that the intent is not clear at this time, noting that the setback distance is less than the required 1.2 metres.

## Committee of Adjustment Minutes

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Mr. Gogna requested consideration for a deferral of the application. Discussion took place on timelines for a deferral.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0375 be deferred no later than the last hearing of April, 2023.

CARRIED

### 8.5. **A-2022-0376**

JITESH SHARAWAT AND ANJALI SHARMA

9 LEAGROVE STREET

LOT 199, PLAN M-1386, WARD 6

The applicants are requesting the following variance(s):

1. To permit existing accessory structures (shed and play structure) to be located in the exterior side yard whereas the by-law does not permit accessory structures in an exterior side yard;
2. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
3. To permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0376 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Gogna indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Colp



## Committee of Adjustment Minutes

THAT application A-2022-0376 to permit existing accessory structures (shed and play structure) to be located in the exterior side yard; to permit a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official.
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That the applicant shall ensure drainage of run-off water from the accessory structure into the subject property.
5. That the applicant maintain the as built fencing to provide adequate screening to the below grade entrance.
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.6. **A-2022-0377**

AMRITPAL SINGH

35 BOUNDBROOK DRIVE

PART OF LOT 506, PLAN 43M-1748, PART 27, PLAN 43R-32503, WARD 2

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in the interior side yard whereas the by-law does not permit a below grade entrance in the interior side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);

## Committee of Adjustment Minutes

3. To permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (gazebo) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0377 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Gogna indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0377 to permit a below grade entrance in the interior side yard; to permit an interior side yard setback of 0.0m to a below grade entrance and to permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (gazebo) in the rear yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official.
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

Committee of Adjustment Minutes

8.7. **A-2022-0378**

ASHOK KUMAR BODALIA AND KAUSHIKABEN BODALIA

9 LADYSMITH STREET

LOT 41, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 8.03m (26.35 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

Mr. Raman Kumar, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0378 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions.

Mr. Kumar indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0378 to permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door; to permit a driveway width of 8.03m (26.35 ft.) and to provide 0.0m of permeable landscaping abutting the side property line be approved, in part, for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

## Committee of Adjustment Minutes

2. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the side door shall not be used as a primary entrance to a second dwelling unit;
4. That Variance 3 for the reduction of permeable landscaping be refused;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.8. **A-2022-0379**

KARAMPREET GILL

6 KEYSTONE DRIVE

LOT 59, PLAN M-414, WARD 3

The applicant is requesting the following variance(s):

1. To permit a maximum lot coverage of 35.8% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 0.7m (2.30 ft.) on the east and 1.5m (4.92 ft.) on the west to the second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (8.91 ft.) to the second storey.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0379 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Rai indicated that the proposed conditions were acceptable.

## Committee of Adjustment Minutes

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: A.C. Marques

THAT application A-2022-0379 to permit a maximum lot coverage of 35.8% and to permit an interior side yard setback of 0.7m (2.30 ft.) on the east and 1.5m (4.92 ft.) on the west to the second storey addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.9. **A-2022-0380**

KAMALJIT DULKU AND PREETI DULKU

8 LABRISH ROAD

PART OF BLOCK 393, PLAN 43M-2058, PARTS 19 AND 20, PLAN 43R-39.61, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the flankge lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankge lot line.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0380 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Rai indicated that the proposed conditions were acceptable.

## Committee of Adjustment Minutes

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: A.C. Marques

THAT application A-2022-0380 to permit a below grade entrance between the main wall of the dwelling and the flankge lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit.
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.10. A-2022-0381

SANDEEP DHALIWAL AND DEVINDER

88 KINGKNOLL DRIVE

LOT 5, PLAN M-779, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 9.55m (31.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0381 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

## Committee of Adjustment Minutes

Committee inquired if there is any concern with the driveway width and the ability to park extra vehicles on the driveway as observed during site inspection to the property. In response to a question raised by Committee, Mr. Rai responded that there are multiple families living at the property.

Committee discussed the driveway width and noted that a condition could be added that would restrict vehicles from parking at any time on the extended portion of the driveway in front of the porch area.

A motion was put forward to support the recommendation to approve with amended conditions. There was no seconder to the motion.

Further discussion took place among staff and Committee. Staff confirmed that there is currently no enforcement action on the property. It was noted that the proposed condition restricting parking in front of the porch would be very difficult to enforce.

Mr. Rai advised that he could work with staff towards amending the application to find something appropriate for Committee's consideration.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft amended conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0381 to permit a driveway width of 9.55m (31.33 ft.) be *refused* for the following reasons:

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The variance is not minor.

CARRIED

### **MEMBER R. CHATHA DISSENTED TO COMMITTEE' S DECISION ON APPLICATION A-2022-0381**

#### **8.11. A-2022-0382**

RUPALI SANDEEP BUCHAKE

39 FORSYTHIA ROAD

PART OF LOT 539, PLAN M-811, WARD 8

## Committee of Adjustment Minutes

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.32m (24 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an interior side yard setback of 0.0m to an existing side yard porch whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
3. To permit lot coverage of 35.24% whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0382 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Committee sought clarification on the driveway width indicated as 24 feet inquiring if the driveway width includes the concrete. Mr. Rai advised that the concrete is included in the driveway width noting that the property owner received a permit for a curb cut.

A motion was put forward to approve the application. There was a seconder to the motion. The motion did not carry.

Further discussion took place among the Committee Members. Mr. Rai confirmed upon question from Committee that the concrete portion has already been done and is included in the width of the driveway.

Staff confirmed that the total width identified on the public notice does include the concrete and that the landscape strip is only required on one side since this is a semi-detached dwelling noting that the permeable landscaping is provided on the other side.

Committee expressed concern with the fact that the extra 2 feet does impact the front yard. Mr. Rai advised that a permit was obtained for the curb cut explaining that the front of the property is actually 22 feet while the driveway widens out further to 24 feet.

Staff explained that the property is rectangular in shape while the neighbouring property is pie-shaped. Staff added that a curb was poured at some point along the driveway of the neighbouring property and that the applicant may be measuring from the curb as opposed to actual property lines.

Further discussion took place on the curb and concrete. Staff advised that the curb cut was issued for a driveway that was smaller than what is being proposed. Staff advised that the lot is 35 feet wide. Committee inquired if the application would be in keeping with the neighbourhood. Staff advised that after conduction a site visit staff have no concerns. Staff



## Committee of Adjustment Minutes

explained that there are a number of properties in the area with similar driveway widths and is in keeping with the neighbourhood.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0382 to permit a driveway width of 7.32m (24 ft.); to permit an interior side yard setback of 0.0m to an existing side yard porch and to permit lot coverage of 35.24% be refused for the following:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. The owner shall obtain a building permit for the existing side porch within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. The owner must obtain a Road Occupancy and Access Permit for the existing curb cut from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances.
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.12. **A-2022-0383**

PARDEEP SINGH AND PAWANJOT DHANOA

40 BELLINI AVENUE

LOT 112, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

## Committee of Adjustment Minutes

1. To permit a detached garage where there is an existing attached garage on the lot whereas the by-law permits an attached garage only if there is no attached garage already on the lot;
2. To permit a detached garage with an area of 216.02 sq. m (2325.22 sq. ft.) whereas the by-law permits a detached garage with a maximum area of 48 sq. m (516.67 sq. ft.);
3. To permit a detached garage having a height of 7.26m (23.82 ft.) whereas the by-law permits a detached garage with a maximum height of 4.5 m (14.76 ft.) ;
4. To permit a maximum height of 11.12m (36.48 ft.) for the main dwelling whereas the by-law permits the main dwelling to have a maximum height of 10.6m (34.78 ft.).

Ms. Jade Soriani, Justin Sherry Design Studio, authorized agent for the applicant, presented application A-2022-0383 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Ms. Soriani indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0383 to permit a detached garage where there is an existing attached garage on the lot; to permit a detached garage with an area of 216.02 sq. m (2325.22 sq. ft.); to permit a detached garage having a height of 7.26m (23.82 ft.) and to permit a maximum height of 11.12m (36.48 ft.) for the main dwelling be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That no commercial or industrial uses shall operate from the attached garage;
3. That the roof design adhere to what is shown on the attached sketch, and;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

8.13. **A-2022-0384**

STEVEN ALLIN AND MARY ANN ALLIN

11 ALEXANDER STREET

PART OF LOT 110, PLAN BR-2, PART 1, PLAN 43R-20649, WARD 1

The applicants are requesting the following variance(s):

1. To permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door, whereas the by-law only permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2 m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit;
3. To permit a rear yard setback of 11.1m (36.42 ft.) whereas the by-law requires a minimum rear yard setback of 25% of the lot depth resulting in a minimum setback of 11.36m (37.27 ft.);
4. To permit lot coverage of 38% whereas the by-law permits a maximum lot coverage of 30%.

**Note: Approval was granted under application A-2022-0269 to permit lot coverage of 36%**

Mr. Matthew Partridge, Canopy Homes, authorized agent for the applicant, presented application A-2022-0384 briefly outlining the variances requested. Mr. Partridge noted that the application was before the Committee previously explaining that an updated survey revealed that the City had acquired some property.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Partridge indicated that the proposed conditions were acceptable.

## Committee of Adjustment Minutes

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0384 to permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door; to permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit; to permit a rear yard setback of 11.1m (36.42 ft.) and to permit lot coverage of 38% be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.14. **A-2022-0385**

CHETAN KUMAR MISTRY AND JIGNASHABEN MISTRY

19 MATTHERHORN ROAD

LOT 59, PLAN 43M-2043, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance, resulting in a combined side yard of 0.73m (2.40 ft.) whereas the by-law requires a

## Committee of Adjustment Minutes

minimum 0.6m (1.97 ft.) provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.90 ft.).

Mr. Chetan Kumar Mistry, applicant and owner of the property, presented application A-2022-0385 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that access will be impeded to the rear yard, noting that there are no risers going up to the rear and the side yard setback does not provide sufficient enough space for access to the rear of the property.

Committee explained to the applicant that the entrance could be located at the rear of the dwelling noting that a variance would not be required. Mr. Mistry commented that perhaps he could have risers going to the rear. Staff explained that the number of risers (seven) would have an impact on drainage.

The Committee, having considered the comments and recommendations of the commenting agencies, and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0385 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance, resulting in a combined side yard of 0.73m (2.40 ft.) be *refused* for the following reasons:

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

### 8.15. **A-2022-0386**

KULDEEP MANN AND BEANT MANN

43 SINATRA STREET

LOT 112, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

## Committee of Adjustment Minutes

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.47m (8.10 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Mr. Jaideep Kadire, authorized agent for the applicant, presented application A-2022-0386 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Kadire indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0386 to permit a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 2.47m (8.10 ft.) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

Committee of Adjustment Minutes

**MEMBER D. DOERFLER DECLARED A CONFLICT OF INTEREST ON APPLICATION A-2022-0387 AND DID NOT PARTICIPATE IN DISCUSSION.**

8.16. **A-2022-0387**

PEEL CONDOMINIUM CORPORATION 344

50 AND 70 DELTA PARK BOULEVARD

PEEL CONDOMINIUM PLAN 344, LEVEL 1 (LOT 4, CONCESSION 7 N.D.), WARD 8

The applicant is requesting the following variance(s):

1. To provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the by-law requires 50% of the required front yard from the required front yard to the rear most building to be landscaped open space;
2. To permit an aisle leading to parking spaces with a width of 6.1m (20 ft.) whereas the by-law requires an aisle leading to parking spaces with a minimum width of 6.6m (21.65 ft.).

Mr. Joseph Plutino, Mainline Planning Services Inc., authorized agent for the applicant, presented application A-2022-0387 briefly outlining the variances requested. In attendance with Mr. Plutino was Nicholas Malta, a colleague. Mr. Plutino made reference to a power point presentation which Committee acknowledged they had received.

Committee posed a question regarding parking. Mr. Plutino explained that a number of variances are required to achieve additional parking noting that the Condominium Corporation has expressed a need to expand the parking. In response to a question raised by Committee, Mr. Plutino explained that the property was developed around 1970 and that at the time the properties were being developed the driveways would be at each of the property lines with no separation in between. He added that the landscape buffer was needed noting that the buffer as well as the parking spaces will provide a barrier as well as a buffer, providing safe operation of sites.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Plutino indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Colp

## Committee of Adjustment Minutes

THAT application A-2022-0387 to provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building and to permit an aisle leading to parking spaces with a width of 6.1m (20 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize Site Plan Approval under City File SPA-2022-0165, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### 8.17. **A-2022-0388**

METRUS (TERRA) PROPERTIES INC.

18 KENVIEW BOULEVARD

PART OF BLOCK 3, PLAN 43M-811, WARD 8

The applicant is requesting the following variance(s):

1. To permit a lot area of 2.14 hectares whereas the by-law requires a minimum lot area of 3.8 hectares.

Mr. Matthew Baldassarra, Baldassarra Architects Inc., authorized agent for the applicant, presented application A-2022-0388 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions.

Mr. Baldassara indicated that the proposed conditions were acceptable.



## Committee of Adjustment Minutes

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0388 to permit a lot area of 2.14 hectares be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

### **REQUEST FOR REFUND**

Mr. Baldassarra provided a brief overview advising that an application was made back in May, 2022 noting that there were ongoing discussions with staff to establish all the deficiencies. He explained that they received an e-mail from staff in June of 2022 outlining all the variances they would be required to apply for.

Mr. Baldassarra advised that they appeared before Committee on August 2, 2022 with a consent application for approval and returned to Committee on September 15, 2022 to have all the variances approved. He added that staff received updated zoning comments on July 31, 2022 flagging an additional variance. He expressed that the information was not provided to them until August 29, 2022 noting that the variance could have been dealt with at the last hearing but for some reason the information was not provided to them. He informed Committee that he was advised by planning staff that a request for a refund of the funds be presented to Committee today.

Committee inquired if there were any significant time delays that perhaps impacted the applicant in a negative manner. Committee noted a significance difference in the lot area and if there is any impact on parking. Committee inquired where the oversight occurred.

## Committee of Adjustment Minutes

Staff advised through the site plan approval process it was determined that there is sufficient parking for the proposed industrial building adding that staff do not anticipate any negative impact to parking or to the character of the area.

Staff advised that the planner did advise Mr. Baldassarra to submit a letter requesting a refund of the fees. Mr. Baldassarra advised that he was not aware of the request for a letter noting that he did receive a recommendation from the planner to address the matter at Committee.

Committee noted that a letter would have been beneficial to provide background information to the Committee. Committee inquired about the lot area and if there is a minimum lot area requirement for this specific area or if this was something unusual that would not be found in the Planning Act or the development requirements.

Staff explained that there is a specific requirement for lot area on the property commenting that it appears that the variance was missed.

Committee expressed that it would have been beneficial to include the previous recommendation report or some sort of history to assist the Committee.

Committee advised that as a Committee they are not permitted to interact with staff. Committee advised that they attend the sites and are provided with a staff recommendation report. Committee commented that not enough details have been provided adding that Committee cannot set a precedent. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

That the request for a refund of application fees be refused.

CARRIED

### 10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 10:58 a.m. to meet again on Tuesday, January 24, 2023.

CARRIED

**5**

***Planning Act Extracts***

## Planning Act Extracts

1. Section 2 – Provincial Interest
2. Section 34 – Excepted Lands and Buildings
3. Section 44 – Committee of Adjustment
4. Section 45 – Powers of the Committee
5. Section 50 – Part Lot Control
6. Section 51 (extracts) – Criteria
7. Section 53 – Consents
8. Section 57 – Validation Certificate
9. Section 69 – Fee – Reduction/Waiver of Fees

## Extract - Planning Act – Section 2

### 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;
- (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.

Extract – Planning Act – Section 34

34 (9)

Excepted lands and buildings

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).

Extract - Planning Act – Section 44

Committee of adjustment

- (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).
- (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).



## Extract – Planning Act – Section 45

### 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).

(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

(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).

(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).

(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 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;

(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).

## Extract – Planning Act – Section 50

**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).

### 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 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).

## Extract – Planning Act – Section 51

### 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.

(28)-(30) Repealed: 1996, c. 4, s. 28 (5).

## Extract – Planning Act – Section 53

**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  
(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).

## 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 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.

### 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.

### 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).

#### 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).

## Extract – Planning Act – Section 57

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.

## Extract – Planning Act – Section 69

### 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.



**Planning Matters**



- 5.13.4 Where Council is satisfied that a Community Improvement Plan has been carried out, it may, by by-law, dissolve the Community Improvement Project Area.

## 5.14 MINIMUM MAINTENANCE AND OCCUPANCY BY-LAW

Pursuant to Section 15.1 of the *Building Code Act, 1992*, the City may enact a by-law for prescribing maintenance and occupancy standards for property within the City. The by-law may also require the repair and maintenance of a property to conform to the standards of the by-law. This by-law is administered by the City's Corporate Services.

### Objective

To enact and enforce a maintenance and occupancy by-law which ensures a minimum level of property standards within the municipality.

### Policies

- 5.14.1 The City shall retain and revise its Minimum Maintenance By-law which prescribes standards for the maintenance and occupancy of properties within the City.
- 5.14.2 The City may require that properties which do not conform to the Minimum Maintenance By-law be repaired and maintained to standard or shall prohibit occupancy of such property or order the site to be cleared of all structures and debris and left in a graded and levelled condition. In accordance with the *Building Code Act, 1992*, the City may demolish or repair the offending property without compensation to the owner or occupant.
- 5.14.3 In accordance with the provisions of Section 32 of the *Planning Act*, the City may extend grants or loans to the owners of property not in compliance with the Minimum Maintenance By-law to facilitate the repair of the property. Loans are repayable in accordance with the *Planning Act*.

## 5.15 COMMITTEE OF ADJUSTMENT

Pursuant to Section 44 of the *Planning Act, 1990*, the City may appoint a Committee of Adjustment. The role of this Committee is to authorize minor variances to the provisions of a Section 34 (Zoning) by-law or a Section 38 (Interim Control) by-law. The Committee of Adjustment may also authorize the extension or enlargement of legal non-conforming uses and interpret the permitted use provisions of a zoning by-law. Operating procedures of the Committee of Adjustment are governed by the provisions of Section 45 of the *Planning Act*.



## Implementation

City of Brampton Official Plan 2006  
September 2015 Consolidation



## Objective

Appoint and empower a Committee of Adjustment to evaluate and rule on zoning matters pursuant to their legislative authority under Section 45 of the *Planning Act*.

## Policy

5.15.1 The Committee shall be guided by the provisions of the *Planning Act* and by the policies of this Plan when deliberating on applications.

## 5.16 LAND DIVISION

In accordance with Section 56 of the *Planning Act, 1990*, the City appoints a Committee of Adjustment to administer the authority to grant consents within the City of Brampton. The subdivision of land by consent is typically used for the creation of single lots within rural areas or for infilling situations within the urban area.

Sections 50 and 53 of the *Planning Act* set out the framework in which the procedure of subdividing land by consent is administered. In considering applications for consent, the Committee of Adjustment must have regard for the matter to be given consideration in the evaluation of draft plans of subdivision, as set out in Section 51(4) of the *Planning Act*.

## Objective

To provide for the orderly creation of a limited number of lots in appropriate locations by the Committee of Adjustment, in accordance with the severance policies of the Official Plan.

## Policy

5.16.1 In the consideration of consent applications, the Committee of Adjustment shall be guided by the policies of this Plan, the provisions of the *Planning Act* and any other relevant matters.

## 5.17 CONSENT POLICY

### General Policies

5.17.1 Consents will only be considered when it is clearly not necessary in the public interest that a plan of subdivision be registered.

5.17.2 Consents must comply with any relevant provisions of this Plan.

5.17.3 In the case of a non-conformity with the approved Zoning By-law, it is advisable that a zoning amendment application or variance application be filed with the City of Brampton concurrently with a consent application with the Committee of Adjustment.

## Implementation

- 5.17.4 The proposed size, shape and use of the severed land must be compatible with the present and potential parcels and uses in adjacent areas.
- 5.17.5 Consents must be serviced by public water and sanitary sewers or evidence must be provided of other sanitary waste treatment facility, as approved by the Medical Officer of Health and of other adequate potable water supply, except where the consent is acquired by a Conservation Authority for conservation purposes, or the consent is for the purpose of a public or private utility installation. Areas serviced by the South Peel Water and Sewer Scheme shall utilize these services when consents are considered.
- 5.17.6 The Ministry of Natural Resources or the Conservation Authority and the Ministry of Agriculture, Food and Rural Affairs shall be consulted with respect to applications in areas covered by their jurisdictions.

## General Conditions and Criteria

- 5.17.7 If a septic tank is required, evidence must be produced from the Building Division of Planning, Design and Development Department before the consent is granted, that the parcel resulting from the consent is of adequate size and the soil conditions are suitable for the successful construction and operation of the septic tank system. If a well is required, the applicant must provide evidence to the Ministry of the Environment that the parcel resulting from the consent is adequate for the proposed use. Finalization of the consent is subject to approval by the Ministry of the Environment.
- 5.17.8 The size of any parcel created by a consent should be appropriate to the use proposed.
- 5.17.9 Where a parcel of land resulting from a consent is to be used for residential purposes, the frontage shall be equal to approximately one-half the depth.
- 5.17.10 A parcel created by consent should have similar lot depth and shape as adjoining lots, where appropriate.
- 5.17.11 The permitted structure should be subject to an appropriate setback from the boundary of a public road, to minimize the impact of traffic upon the privacy areas.
- 5.17.12 The comments of the City of Brampton, the Region of Peel, or the Ministry of Transportation, where applicable, should be obtained as to the adequacy of site lines in the vicinity of the application and as to whether or not road widening are required.

- 5.17.13 Each new lot created is to front on an existing public highway or street, except where the consent is acquired by a Conservation Authority for conservation purposes, or the consent is for the purpose of a public or private utility installation.
- 5.17.14 The creation of new lots located totally in flood susceptible areas will not be permitted.
- 5.17.15 Despite Sections 5.17.4, 5.17.8 and 5.17.10 of this plan, consent-to-sever applications shall be discouraged within the Central Area Mixed -Use and Medium and Medium-High/High Density designations of the Downtown Brampton and Queen Street Corridor Secondary Plans except to facilitate land assembly.

## Specific Provisions for Urban Use Designations

- 5.17.16 Consent applications in respect of land within the urban use area and designated for urban use, as shown on Schedule "A" and situated within or adjacent to developed urban areas shall be considered and may only be granted:
- (i) In light of the policies of this Plan and the preceding general consent policies;
  - (ii) Only when it is clearly not necessary in the public interest that a plan of subdivision be registered according to the criteria in subsection 5.17.17 following; and,
  - (iii) If the general conditions and criteria of this section are complied with.
- 5.17.17 A plan of subdivision will not be considered necessary if the following conditions and criteria are satisfied:
- (i) The consent is for the purpose of infilling within the developed urban area and would not extend the urban use area as shown on Schedule "A";
  - (ii) No major extension or expansion of physical services will be required;
  - (iii) The lands front on an existing public highway or street;
  - (iv) The ultimate development of the entire holding will not require the creation of a new public highway or street;
  - (v) The creation of new building lots will not have an adverse effect on the character of the surrounding area or on traffic circulation;

## Implementation

- (vi) Only three (3) or less new lots, in addition to the residual parcel, will be created, unless necessary for the proper and orderly development of the municipality; and,
- (vii) No consent will be granted until the City is satisfied that approval of the application will not adversely affect the ultimate development pattern of the entire holding.

5.17.18 Consent applications in respect of land designated for urban use which is not yet developed or developing for urban uses shall be considered and may only be granted:

- (i) In light of the policies of this Plan and the general consent policies of this subsection;
- (ii) Only when it is clearly not necessary in the public interest that plan of subdivision be registered, according to the criteria in subsection 5.16.17;
- (iii) If the general conditions and criteria of this subsection are complied with; and,
- (iv) The following conditions and criteria are satisfied:
  - a) A parcel created by consent shall be so located relative to the agricultural remainder such that it does not interfere with the agricultural use;
  - b) The resulting parcel from a residential consent should generally be not more than 0.8 hectares (2 acres) in size;
  - c) Where a conveyance is approved on a Provincial Highway, Regional Road or Local Road, access to it may be limited by a 0.3 metre reserve along the road frontage;
  - d) No more than two consent per 40.5 hectare (100 acre) original farm half lot shall be permitted even if the proposed consent complies with all of the preceding policies and criteria. Past and future conveyances for public purposes and for private utility installations shall not be considered in determining the number of conveyances permitted per each 40.5 hectare (100 acre) original farm lot;
  - e) There shall be no transfer of the number of consents permitted from one 40.5 hectare (100 acre) half lot to another 40.5 hectare (100 acre) half lot; and,
  - f) Notwithstanding paragraphs (i) and (iv) above, when two or more farms are amalgamated and an existing house, other than a mobile home, becomes surplus to the needs of the farmer owning the newly amalgamated farm, the



land upon which this house is located may be considered for severance.

- 5.17.19 For provisions relating to lands located within Estate Residential or Village Residential areas, refer to the policies of the Residential section of this Plan.

## 5.18 LEGAL NON-CONFORMING USES

Non-conforming uses are continued or established in a fashion which do not comply with the provisions and policies of the applicable Comprehensive Zoning By-law. Legal non-conforming uses are legally established prior to and continue beyond the enactment or adoption of the Zoning By-law to which the use is in contravention of.

### Objective

To provide for the continued operation of legal non-conforming uses which in the long term will be discontinued or relocated to permit such lands to be used in conformity with the applicable land use documents.

### Policies

- 5.18.1 Uses which are not in conformity with the Zoning By-law shall be encouraged to relocate or redevelop so that the subject land may be used in conformity with the provisions of the Comprehensive Zoning By-law 2004.
- 5.18.2 Applications for the extension or enlargement of a non-conforming use in specific situations to avoid undue hardship will be considered by the Committee of Adjustment in accordance with Section 45 of the *Planning Act, R.S.O., 1990, c.P. 13, as amended*.
- 5.18.3 When commenting on an application for the extension or enlargement of a non-conforming use by the Committee of Adjustment, the City may consider the desirability and feasibility of acquiring the property concerned, and of holding, selling, leasing, or redeveloping it in accordance with the provisions of the *Planning Act*. Consideration will also be given to the possibility of re-establishing the use in a location consistent with the policies of this Plan.
- 5.18.4 When commenting to the Committee of Adjustment, the City shall be reasonably satisfied that the following requirements will be addressed prior to recommending approval of an application for the extension or enlargement of a non-conforming use:
- (i) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use;
  - (ii) The proposed extension or enlargement represents a reasonable increase in the size of the non-conforming use;

## Implementation

- (iii) The characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to impacts from noise, vibration, fumes, smoke, dust, odour, lighting, and traffic generation;
- (iv) The host neighbourhood and adjacent uses will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances;
- (v) Adequate provisions will be made for off-street parking and loading facilities;
- (vi) All municipal services such as water, sewage and roads are and will continue to be adequate, and,
- (vii) The application is referred to municipal departments and other appropriate agencies which may be concerned or affected for information reports on relevant considerations before making a decision.

5.18.5 In certain instances, uses have been established for many years in conformity with longstanding plans or zoning by-laws which have only recently been altered, and extensive development has been permitted on the basis of specific site plan by-laws which no longer conform, in all aspects, to the Official Plan or a Secondary Plan. In cases such as these, it may be desirable for Council to pass by-laws for such purposes, provided that the following matters are given due consideration:

- (i) the proposed zoning is considered in relation to the economic life of the use;
- (ii) the proposed zoning will not aggravate the situation caused by the existence of the use in regard to the general principals and policies of this Plan; and,
- (iii) the proposed zoning will not create or cause an increase of nuisance factors such as noise, vibration, fumes, smoke, dust, odours, lighting, or traffic so as to result in the incompatibility of the use with the host neighbourhood.

## 5.19 DEMOLITION CONTROL

5.19.1 The City may enact a by-law creating an area or areas of demolition control as authorized by Section 33 of the *Planning Act* if and when it appears that premature demolition of residential buildings may occur.

APPEALED TO THE OMB

See Section 4.6.7.14

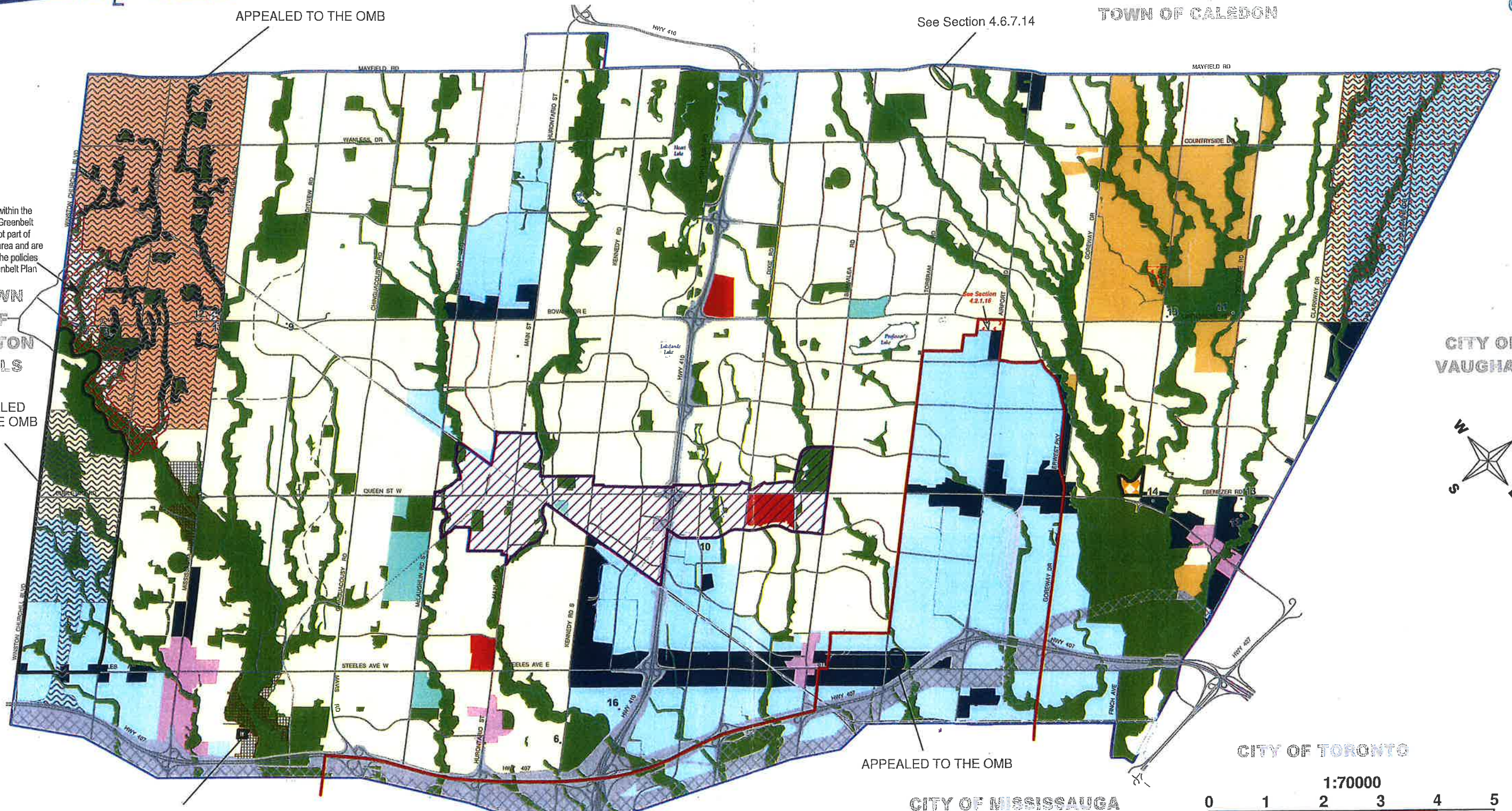
TOWN OF CALEDON

Any lands within the Provincial Greenbelt Area are not part of the urban area and are subject to the policies of the Greenbelt Plan

TOWN OF HALTON HILLS

APPEALED TO THE OMB

CITY OF VAUGHAN



APPEALED TO THE OMB

CITY OF TORONTO

CITY OF MISSISSAUGA

APPEALED TO THE OMB



### LEGEND

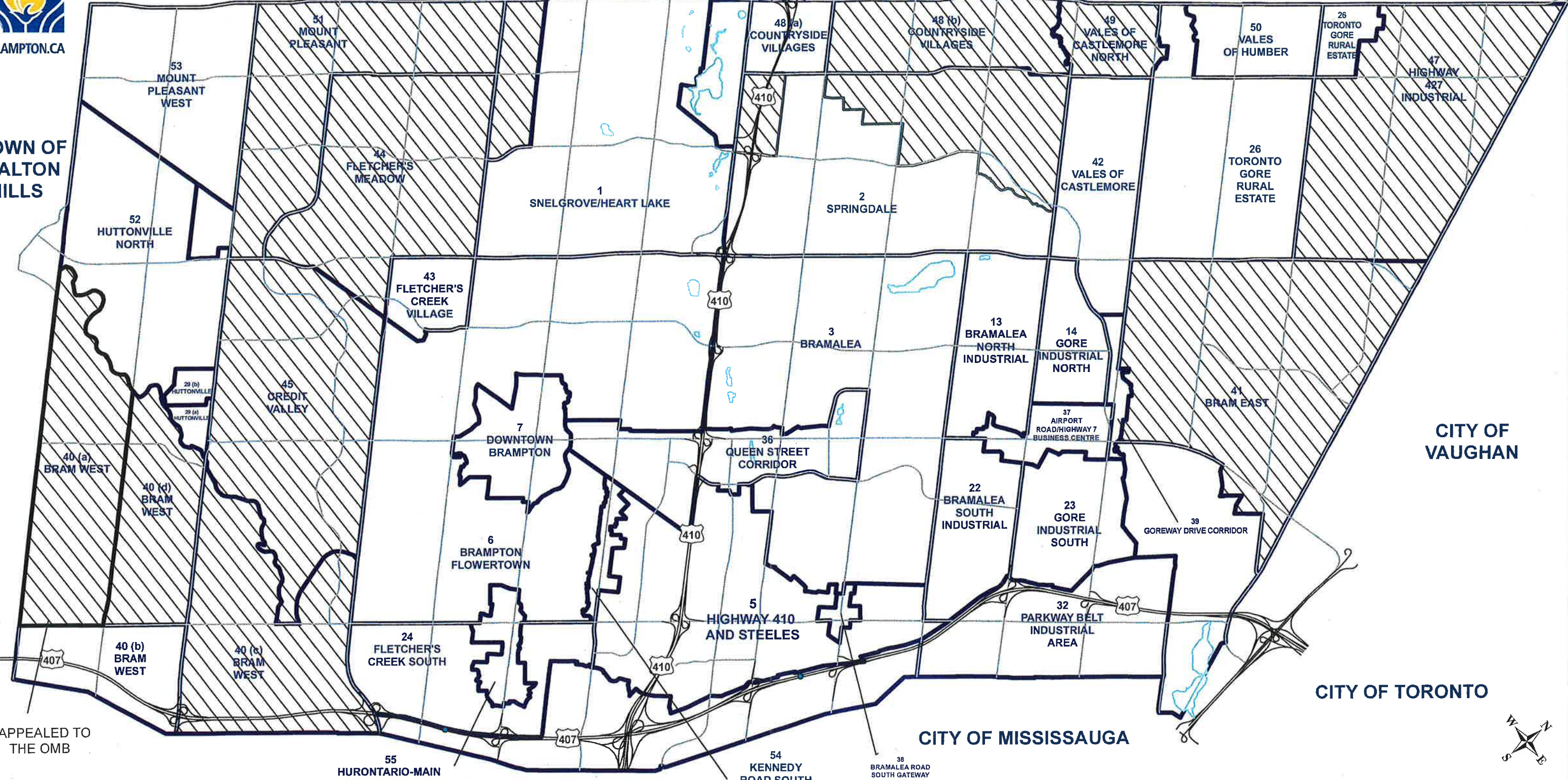
RESIDENTIAL	BUSINESS CORRIDOR	CENTRAL AREA	CORRIDOR PROTECTION AREA
ESTATE RESIDENTIAL	INDUSTRIAL	N-W BRAMPTON URBAN DEVELOPMENT AREA	PARKWAY BELT WEST
VILLAGE RESIDENTIAL	MAJOR INSTITUTIONAL	SPECIAL LAND USE POLICY AREA See Section 4.14.3	PROVINCIAL HIGHWAYS
REGIONAL RETAIL	OPEN SPACE	SPECIAL STUDY AREA See Section 4.14.1	L.B.P.I.A. OPERATING AREA
OFFICE	PROVINCIAL GREENBELT AREA/PROTECTED COUNTRYSIDE	DEFERRAL	

Last Amended Date  
Aug 10th, 2015

NOTES: LAKES AND PONDS ARE SHOWN FOR CONTEXT PURPOSES  
This map forms part of the Official Plan of the City of Brampton and must be read in conjunction with the text, other schedules and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

City of Brampton 2006 Official Plan September 2015 Office Consolidation.

## Schedule A GENERAL LAND USE DESIGNATIONS



 NEWER SECONDARY PLAN AREAS OR PORTIONS THEREOF SUBJECT TO THE NEW HOUSING AND DENSITY CATEGORIES OF THE OFFICIAL PLAN

# SCHEDULE G SECONDARY PLAN AREAS





**Legal Matters**



## **The Committee of Adjustment – Legal Matters**

This document provides the legal framework for the creation and function of the Committee of Adjustment.

### **Creation of the Committee**

- A Council of a municipality may constitute and appoint a Committee of Adjustment pursuant to subsection 44(1) of the *Planning Act*. The Committee cannot have fewer than three members.
- This power and the powers of the Committee are expressed in section 5.15 of the City of Brampton Official Plan (see the Planning Matters Tab).
- The term "Committee of Adjustment" comes from the Committee's role of adjusting by-law requirements in certain circumstances.
- The Committee is a quasi-judicial decision-making body, independent of Council. Therefore, Council can appeal any decision made by the Committee to the Ontario Municipal Board ("OMB").
- Decisions of the Committee can also be appealed to the Ontario Municipal Board by applicants, the Minister of Municipal Affairs, or any other person who has an interest in the matter.
- If a minor variance or a decision regarding a legal non-conforming use is appealed to the Board, it is a trial *de novo*, which means the Board hears the entire application over again and it may come to a completely different finding than the Committee. If a consent matter is appealed to the Board, it is not a trial *de novo*, the Board just hears and makes a decision on the part of the decision that is appealed.

### **Powers of the Committee**

- There are six general powers of the Committee.
  1. The Power to Grant Minor Variances
  2. The Power to Address Legal Non-conforming Uses
  3. The Power to Allow Uses That Conform to Permitted Uses
  4. The Power to Grant Consents
  5. The Power to Grant Certificates of Validation
  6. The Power to Approve a Foreclosure or the Exercise of a Power of Sale of a Mortgage

## 1. The Power to Grant Minor Variances

- The power of the Committee to grant minor variances from provisions of by-laws arises from subsection 45(1) of the *Planning Act*.
- According to subsection 45(1), the Committee may grant a minor variance in respect of the land, building or structure or use affected by a by-law, if, in its opinion, the variance is desirable for the appropriate development or use of the land, building or structure, and, if in the opinion of the Committee, the general intent and purpose of the by-law and Official Plan, if any, are maintained (see the Planning Act Extracts Tab).
- The Committee may grant a minor variance to any by-laws passed under section 34 (zoning by-laws) or 38 (interim control by-laws) of the *Planning Act* or any predecessor of these sections.
- A Committee of Adjustment can also be authorized by Council to grant minor variances to any specified by-laws that implement an Official Plan.
- In appropriate circumstances, the Committee has jurisdiction to grant an exemption from a provision of a zoning by-law.
- Although the Committee can vary a use, it cannot add a use if that use is expressly prohibited in the zoning by-law. However, if a use is not addressed in the by-law and the Committee considers it to be a minor variance from the uses permitted, it may be granted, as long as it meets the 4 tests (see below).
- Minor variances are used to reduce the inflexibility of the zoning by-law so that undue hardship does not result. There should be a valid reason why the applicant is unable to meet the zoning requirements.
- There is no definition of a minor variance. Each case is fact-specific.
- Through the development of case law, the following 4 tests have been developed out of the wording of subsection 45(1). These 4 tests must be applied in determining whether the variance should be granted.
- A variance must meet all four tests. If it fails to meet any one of them, the application must be rejected.

### 4 Tests for a Minor Variance

1. **Does the Variance Maintain the General Intent and Purpose of the Official Plan?**

2. Does the Variance Maintain the General Intent and Purpose of the Zoning By-law?
3. Is the Variance Desirable for the Appropriate Development of the Land?
4. Is the Variance Minor in Nature?

2. The Power to Address Legal Non-conforming Uses

- A legal non-conforming use is a use of land, a building or structure that exists and continues to exist on and after the day a by-law is passed that prohibits the use.
- Section 34(9)(a) of the *Planning Act* (see the Planning Act Excerpts Tab) indicates that zoning by-laws do not 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.
- Thus, there are two important factors to consider when determining whether a use is legal non-conforming: (1) was the use legal when the new by-law was passed, and (2) has the use continued to the date of the application to the Committee.
- The Committee should be satisfied that it is dealing with a non-conforming use and then make a finding under paragraph 34(9)(a) of the *Planning Act*, that the use is legal non-conforming.
- It will be indicated, in the staff report to the Committee, whether the use is considered a legal non-conforming use by staff.
- The basic planning principle is that all non-conforming uses should disappear over time, or come into compliance with current zoning.
- The 4 tests for minor variances are not applicable to legal non-conforming use applications.
- The test to apply when deciding whether an application regarding a legal non-conforming use should be granted is the basic planning consideration of whether the application is in the public interest and the interests of good planning, including whether there will be resulting impacts.
- The City of Brampton Official Plan policies regarding non-conforming uses are found at section 5.18 of the Official Plan (see the Planning Matters Tab).

- There are two general powers in the Act regarding legal non-conforming uses.
  - The Power to Enlarge or Extend a Building or Structure
  - The Power to Permit Similar Use

### ***The Power to Enlarge or Extend Building or Structure***

- The Committee has the power to enlarge or extend a building or structure that is a legal non-conforming use, if the legal non-conforming use, or a use permitted under paragraph 45(2)(a)(ii)(explained below), continued until the date of the application to the Committee, pursuant to paragraph 45(2)(a)(i) (see the Planning Act Excerpts Tab).
- Although the Committee has the power to permit the extension or enlargement of an existing legal non-conforming use, it has no power to permit the replacement of such use, or permit new separate buildings.
- The expansion must only be on property originally owned. It has to be within the limits of the land owned (and used in connection with the use) on the day the by-law was passed. This means the owner cannot buy and include adjacent land for the expansion.

### ***The Power to Permit Similar Use***

- The Committee has the power to permit a use of land, a building or a structure, if, in the opinion of the Committee, it is similar to the purpose for which it was used on the day the by-law was passed or if it is more compatible with the uses permitted by the by-law than the purpose for which it was used then, if the previous use continued to the date of the application to the Committee, pursuant to paragraph 45(2)(a)(ii) (included in the Planning Act Excerpts Tab of this binder).
- There are two tests the Committee must apply for this type of application: (1) is the proposed similar in purpose to the existing non-conforming use, or more compatible with the uses permitted in the current by-law than the current non-conforming use; and (2) has the use continued until the date of the application to the Committee.
- The test of whether a use is more compatible requires an accurate comparison of impacts.
- Although the Committee has this power, these applications are generally addressed through rezonings.

### 3. The Power to Allow Uses That Conform to Permitted Uses

- When the uses of the land, building or structure permitted by the by-law are defined in general terms, the Committee 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 (subsection 45(2)(b)).
- It should be noted that, although the Committee has this power, it is essentially a question of interpreting existing by-law provisions, which is usually performed by staff in the zoning department.

### Conditions for Section 45 Decisions

- The Committee has broad jurisdiction to impose conditions on its decisions under section 45, but the conditions must be reasonably related to what was applied for.
- Conditions must also be able to be implemented and maintained in the future.
- There are several ways to help in the enforcement of conditions. One way is to put a time limit on their fulfillment. The Committee can also stipulate that a condition be fulfilled to the satisfaction of a municipal department or official, since this ensures that the applicant conforms to the requirements of the municipality. An additional method is the use of agreements. The Committee may impose a condition that the applicant enter into an agreement with the City providing that the condition will be fulfilled and maintained to the City's satisfaction.
- Conditions imposed by the Committee cannot later be waived by the Committee. If a condition is no longer necessary, it must be dealt with at the OMB, or a new application is required.

### Appeals of Section 45 Decisions

- The appeal provisions are set out in subsections 45(12) – (20) of the *Planning Act*.
- Any appeals must be made within 20 days of the making of the decision of the Committee.
- If there is no appeal of the decision or if all appeals are withdrawn within that period, the decision of the Committee becomes final and binding.

- It is important to note that even if the appellant only takes issue with a condition, the appeal to the Board reopens the entire decision of the Committee.
- The Board can provide any relief and any condition it deems appropriate.

#### 4. The Power to Grant Consents

- The power to grant consents is found in subsection 53(1) of the *Planning Act* (see the Planning Act Excerpts Tab).
- The Committee can grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- The Committee may also grant provisional consent (a consent subject to conditions) pursuant to subsection 53(12).
- The power to grant consents was delegated to the Committee through By-law 51-89, as amended (see the By-laws Tab).
- The City's policies for granting consents, are found in section 5.17 of the City of Brampton Official Plan (see the Planning Matters Tab).
- When determining whether to grant a provisional consent, subsection 53(12) states that the Committee must have regard for the sections of the *Planning Act* that address approvals for plans of subdivision. Particularly, the Committee must refer to subsections 51(24) – (27), criteria and conditions for draft plan approval, and section 51.1, which deals with parkland (see the Planning Act Excerpts Tab).
- Special attention should be paid to a new element of subsection 51(24), which indicates that in considering consents, regard must be had for accessibility for persons with disabilities.
- As paragraph 53(24)(a) refers to provincial interests and section 2 of the *Planning Act*, the Committee should also take note of the provisions of section 2 (see the Planning Act Excerpts Tab).

### Conditions for Consents

- The Committee, as noted above, can grant a consent subject to conditions.
- These conditions must be reasonable, be able to be implemented and maintained, and relate to the consent sought.
- Consents are not certified until all conditions are met. Certification must take place within one year of the decision being made. In other words, the conditions must be met within one year.

### Appeals of Consent Decisions

- The appeal provisions are subsections 53(14) – (44) of the *Planning Act*.
- If a decision is not made on a consent application within 60 days of the application, the applicant can appeal to the Ontario Municipal Board.
- Within 20 days after the notice of decision is given, the applicant can appeal the decision, or any of the conditions, or both the decision and conditions.
- If there are no appeals, or if the appeals are withdrawn, the decision of the Committee is final.

### 5. The Power to Grant Certificate of Validation

- The Committee may grant a Certificate of Validation to validate title to a property that was conveyed in contravention of section 50 of the *Planning Act*. This power is given to the Committee through section 57 of the *Planning Act* (see the Planning Act Excerpts Tab).
- Section 50(21) of the *Planning Act* states that an agreement, mortgage or charge made in contravention of section 50 does not create an interest in land.
- This certificate provides a practical method to retroactively cure the title problem, when other methods, such as a consent, are not available.
- The criteria for issuing this certificate are found in section 57 of the *Planning Act* and in Regulation 144/95 (see the Planning Act Excerpts Tab).
- The Committee may impose such conditions in respect of any land described in the certificate or order as it considers appropriate.



- There is no appeal from the Committee's decision regarding a Certificate of Validation.

6. **The Power to Approve Foreclosures or the Exercise of a Power of Sale**

- Subsection 50(18) of the *Planning Act* states that no foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect unless all of the land subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale.
- However, pursuant to subsection 50(18), the Committee can approve a foreclosure of or exercise of a power of sale in a mortgage or charge even if not all of the land is subject to the mortgage or charge, if certain criteria are met. The land subject to the foreclosure or power of sale has to be
  - the whole of one or more lots or blocks within one or more registered plans of subdivision,
  - one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge,
  - the identical parcel of land that has been the subject of a consent to convey, if the consent did not stipulate that subdivision control or part lot control applies to any subsequent conveyance or transaction, or
  - 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 and the consent did not stipulate that subdivision control or part lot control applies to any subsequent conveyance or transaction.
- The Committee cannot place conditions on the decisions it makes under subsection 50(18).
- There is no appeal from the Committee's decision regarding a foreclosures or the exercise of a power of sale.

## Rules for Applying the Powers

### Procedure Under the *Planning Act*

- Subsections 45(4) – (11) (variances and non-conforming uses) and subsections 53(2) – (13) (consents) of the *Planning Act* (see the Planning Act Excerpts Tab) indicate procedural type information such as when hearings must be held, when and how notice of hearings must be provided, how the hearing must be conducted, and how decisions must be made.

### Committee Procedural By-law

- Section 25.1 of the *Statutory Powers Procedure Act* provides that the Committee may make its own rules governing its practice and procedure, which may be of general or particular application.
- The Committee of Adjustment has its own procedural rules, which are found in By-law 197-95 (see the Procedures Tab).
- This Procedural By-law addresses such matters as the calling of meetings, the location of meetings, quorum, and notice of public hearings.

### Statutory Powers Procedure Act

- The *Statutory Powers Procedure Act* R.S.O. 1990, c. S.22 (the "SPPA") (see the Appendices Tab) provides basic minimum powers and rules for Ontario's administrative tribunals and agencies, including the Committee of Adjustment (section 3). Its purpose is to ensure procedural fairness for applicants.
- An important element of the Act is that it states that the SPPA as well as any rule made by a tribunal regarding its own practice and procedure must be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits (section 2).
- **Waive Procedural Requirement** - Any of the procedural requirements that apply to a proceeding may be waived with the consent of the parties and the tribunal (section 4) and, in certain circumstances, a case may be dismissed without a hearing (section 4.6).
- **Notice** – Notice requirements are provided for oral, written and electronic hearings (section 6).

- **Hearings to be Public** - The SPPA provides that hearings must be held in public, except "if tribunal is of the opinion that
  - (a) matters involving public security may be disclosed; or
  - (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public." (section 9)
- **Hearsay Evidence** - The Committee may accept hearsay evidence. Section 15 states that "a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court
  - (a) any oral testimony; and (b) any document or other thing, relevant to the subject matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious".
- Hearsay evidence is defined as a statement that was made by someone other than by a witness while testifying at the hearing, and that is offered to prove the truth of the matter stated. The tribunal must give the other side a fair opportunity to comment on it and contradict it.
- **Notice of Facts and Opinions** - The Committee may also consider certain generally recognized facts, information or opinions provided that they are within the Committee's "scientific or specialized knowledge". This section does not permit Committee members to consider information acquired from their own personal and professional experience outside of the Committee (section 16).
- **Decision** – The Committee must give its final decision and order, if any, in writing and must provide reasons for its decision of the tribunal if requested by any party (section 17).
- **Notice of Decision** – Notice of the Committee's decision must be given in the manner prescribed in section 18.
- **Adjournments** - The Committee may adjourn a hearing if the Committee is satisfied that the adjournment is required to permit an adequate hearing to be held." (section 21)
- **Rules of Practice and Procedure** – The Committee may make its own rules governing its practice and procedure, which may be of general or particular application (section 25.1).

## The Principle of Procedural Fairness

- There are a number of rules or general principles, grouped under the principle of "Procedural Fairness" that have been developed through case law. The Committee must have regard to this general principle while executing its responsibilities.
- The purpose of the principle of Procedural Fairness is basically to ensure that parties get a fair hearing.
- Striving to achieve Procedural Fairness includes complying with the SPPA and the rules of "Natural Justice" (the right to a reasonable opportunity to be heard and the right to an unbiased adjudicator).
- Basically, a fair hearing is one where the parties are provided with a reasonable opportunity to present their evidence and make submissions, and to respond to the evidence and submissions of the other parties.
- This does not mean that Committee of Adjustment hearings need become a forum for citizens to express their general frustrations. It is appropriate for Committee members to cut off discussions or submissions that are clearly not relevant to the proceedings.
- The Committee member is expected to display flexibility in the application of its procedures where required to ensure fairness to the parties. The Committee member must display a willingness to listen to the parties and strive to fully understand their evidence and submissions.
- The message that should be conveyed at this stage is that the member heard and understood the evidence and submissions made by each party.
- The right to a fair hearing also means that the parties have the right to present evidence and submissions, as well as the right to hear the evidence and submissions of the other parties, cross-examine their witnesses, receive copies of documents submitted to the Committee by any party, and be given the opportunity to reply to the submissions of the other parties.
- The Committee member who heard the evidence and submissions must be the decision maker in every case. The case law has established that the decision maker can consult other Committee Members before rendering the decision, but the nature of the consultation, however, must not result in the perception that the decision was effectively directed by persons who did not participate in the hearing. (*Consolidated Bathurst Packaging Ltd. v. International Woodworkers of America, Local 2-69* [1990] 1 S.C.R. 282 and *Tremblay v. Commission des affaires sociales du Quebec*, [1992] 1 S.C.R. 952).

### ***Audi Alteram Partem – The Right to a Reasonable Opportunity to be Heard***

- One element of "Natural Justice" is the *audi alteram partem* rule – the right to a reasonable opportunity to be heard.
- This general right includes the right to adequate notice of hearing. Notice requirements are found in the *Planning Act*, the *Statutory Powers Procedure Act* and the Committee's Procedural By-law.
- If the C of A is satisfied that all parties received a notice of hearing, the hearing can proceed even if not all parties are present or represented (s. 7 of the *Statutory Powers Procedure Act*). The Committee Member is made aware that an absent party requests that the hearing be adjourned, the reasons for the adjournment must be reviewed to determine whether the party in question has a valid reason for not being in attendance. The other parties present at the hearing should be given an opportunity to indicate whether they agree with the request and provide the reasons in support of their position on the request. Section 21 of the *Statutory Powers Procedure Act* addresses adjournments.

### ***The Right to a Hearing Before an Independent and Impartial Adjudicator***

- The second rule of natural justice is that the matter will be heard by an unbiased adjudicator. At a very basic level, this means that the Committee member must not have any interest in the outcome of the proceedings, pecuniary or otherwise.
- Furthermore, the Committee member must not be predisposed to deciding a case in a particular way, before having heard all of the evidence and all of the submissions.
- Not only should the Committee member be independent and unbiased, but appear to be so as well. Perception is critical. There is a principle of a "reasonable apprehension of bias".
- The test for reasonable apprehension of bias is whether a reasonably informed bystander could reasonably perceive bias on the part of an adjudicator (*Newfoundland Telephone Company Limited v. The Board of Commissioners of Public Utilities*, [1992] 1 S.C.R. 623).
- There are some factors to keep in mind, while performing Committee functions that may help prevent any apprehension of bias.
  - Member must also be careful to avoid making comments, either at the hearing or at any other public forum, which might call into question their objectivity and independence.

- At the hearing, the Member must avoid conveying an impression of close familiarity with any party.
- The Member should not appear openly antagonistic towards a party or its representative.
- The Committee Member must make a conscious effort to ensure that the parties are treated with equal consideration and to keep an appropriate distance from them.
- The Member must demonstrate a high degree of sensitivity to issues of gender, ability, race, language, culture and religion, which may affect the conduct of the hearing and the assessment of a witness' credibility.

### ***Judicial Review***

- The fairness of the proceedings before the C of A can be reviewed by the courts on application for judicial review made pursuant to the *Judicial Review Procedure Act* R.S.O. 1990 c. J on the grounds that the Committee member did not provide procedural fairness to the parties.

### **Conflict of Interest**

- The Committee is subject to the *Municipal Conflict of Interest Act* (see the Appendices Tab).
- Basically, the Act addresses what constitutes an indirect pecuniary interest (section 2), and what to do if a direct or indirect pecuniary interest exists.
- For the purposes of the Act, the pecuniary interest, direct or indirect, of a parent or the spouse, same-sex partner or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member (section 3).
- The Committee's Procedural By-law addresses conflict of interest, in section 10 of the By-law. It states that, in accordance with the *Municipal Conflict of Interest Act*, any member of the Committee required to do so by the Act, shall disclose any direct or indirect pecuniary interest and shall state the general nature of such interest, and it shall be recorded by the Secretary-Treasurer accordingly.

### General Rules of Procedure

- A member should avoid criticizing the policies, guidelines, rules, decisions, procedures or structures of the Committee of Adjustment and avoid making any comments in public or in a hearing expressing an opinion as to what the law ought to be.
- A member should avoid communicating with the media regarding a decision of the Committee. All media inquiries should be referred to the Chair.

### Site Visits

- The purpose of a site visit is to give context to the evidence, not to gather new evidence.
- In those instances where the Committee determines that a site visit is desirable, all members of the Committee participating in the decision on the application should receive the same information on the visit. They should consider making the visit at the same time, in the presence of all interested parties.
- However, it may only be practical or necessary to have one member, or a small number of members, make the visit and then report back to the other members.
- It is important to avoid a situation that results in an interested individual (i.e. a party to a proceeding) discussing issues with a Committee member outside of the context of the hearing itself, as this can lead to a perception of bias.

### Precedent

- The Committee is not bound to follow previous decisions made by the Committee, but previous decisions can be helpful in making new decisions, if the situations are similar.

### Applicable Policy

- The policies that are in effect on the date of the application, not the date of the hearing, apply (*Clergy Properties Ltd. v. City of Mississauga* (1996), 34 O.M.B.R. 277).

## **Making Decisions**

- The Committee must either authorize or refuse the variances that were applied for.
- The Committee does not have to approve or refuse all or none of the variances; it can approve part of the application.
- The Committee may also amend the application, but the application must then be circulated and public notice given before a decision can be made. Also, the application may have to be amended or a new application brought. These measures would not have to be taken if the amount of variance requested is reduced and the reduction is minor.
- The Committee can reduce the number of consents or measurements of the variances requested, if no one appears to be prejudiced. This is a question of whether adequate notice of these changes has been provided.
- The Committee also has the authority to grant relief from fees, pursuant to subsections 69(1) and (2) (see the Planning Act Excerpts Tab).

## **Giving Reasons**

- The Committee has an obligation to indicate why they made the decision, because it helps the decision of whether or not to appeal.
- For minor variances, the Committee must respond, in its decision, at least with a rudimentary statement, for each of the 4 tests. It is adequate to say, for example, in response to test #4, "the variances requested are not minor."

## **Rehearing, Reviewing, Reapplying, and Res Judicata**

- An applicant may reapply regarding the same matter. Multiple applications on the same matter, should be discouraged and repeated applications on the same matter without substantial changes to that application may be considered an abuse of process.
- Thus, the Committee must decide whether there has been a substantive change in the application or in the planning context in which the application is being considered.



- On the contrary, in the Courts, the doctrine of *Res Judicata* applies – once a decision has been made on a matter, the applicant may not apply again to have it heard. There is nothing in the legislation specifically prohibiting a matter from being brought more than once to the Committee.



***The Municipal Conflict of Interest Act  
(Written Statement of Disclosure of  
Interest)***



## Municipal Conflict of Interest Act

R.S.O. 1990, CHAPTER M.50

**Consolidation Period:** From November 23, 2022 to the [e-Laws currency date](#).

Last amendment: 2022, c. 18, Sched. 3.

Legislative History: 1994, c. 23, s. 2; 1996, c. 32, s. 76; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156; 1999, c. 6, s. 41; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. C, s. 33; 2006, c. 32, Sched. D, s. 10; 2007, c. 7, Sched. 27; 2007, c. 8, s. 219; 2009, c. 33, Sched. 21, s. 7; 2016, c. 23, s. 58; 2017, c. 10, Sched. 3; 2018, c. 3, Sched. 5, s. 37 (see: 2019, c. 1, Sched. 3, s. 5); 2019, c. 1, Sched. 4, s. 35; 2021, c. 4, Sched. 11, s. 23; 2022, c. 18, Sched. 3.

### CONTENTS

<a href="#">1.</a>	Definitions	
<a href="#">1.1</a>	Principles	
<a href="#">2.</a>	Indirect pecuniary interest	
<a href="#">3.</a>	Interest of certain persons deemed that of member	
		<a href="#">EXCEPTIONS</a>
<a href="#">4.</a>	Where ss. 5, 5.2 and 5.3 do not apply	
		<a href="#">DUTY OF MEMBER</a>
<a href="#">5.</a>	When present at meeting at which matter considered	
<a href="#">5.1</a>	Written statement re disclosure	
<a href="#">5.2</a>	Influence	
<a href="#">5.3</a>	Head of council	
		<a href="#">RECORD OF DISCLOSURE</a>
<a href="#">6.</a>	Disclosure to be recorded in minutes	
		<a href="#">REGISTRY</a>
<a href="#">6.1</a>	Requirement to establish registry	
		<a href="#">REMEDY FOR LACK OF QUORUM</a>
<a href="#">7.</a>	Quorum deemed constituted	
		<a href="#">ACTION WHERE CONTRAVENTION ALLEGED</a>
<a href="#">8.</a>	Application	
<a href="#">9.</a>	Power of judge	
<a href="#">11.</a>	Appeal to Divisional Court	
<a href="#">12.</a>	Proceedings not invalidated but voidable	
<a href="#">13.</a>	Other proceedings prohibited	
		<a href="#">GENERAL</a>
<a href="#">14.</a>	Insurance	
<a href="#">15.</a>	Conflict with other Acts	

### Definitions

**1** In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

- (a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in section 1 of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 35)**

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family; (“parent”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219; 2016, c. 23, s. 58; 2021, c. 4, Sched. 11, s. 23 (1-3).

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

1997, c. 31, s. 156 (1) - 01/01/1998; 1999, c. 6, s. 41 (1) - 01/03/2000

2002, c. 17, Sched. F, Table - 01/01/2003

2005, c. 5, s. 45 (1, 2) - 13/06/2005

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006; 2006, c. 32, Sched. D, s. 10 - 01/01/2007

2007, c. 8, s. 219 - 01/07/2010

2016, c. 23, s. 58 - 01/01/2017

2018, c. 3, Sched. 5, s. 37 - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 35 - not in force

2021, c. 4, Sched. 11, s. 23 (1-3) - 19/04/2021

#### **Principles**

**1.1** The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:

1. The importance of integrity, independence and accountability in local government decision-making.

2. The importance of certainty in reconciling the public duties and pecuniary interests of members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c. 10, Sched. 3, s. 1.

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

2017, c. 10, Sched. 3, s. 1 - 01/03/2019

**Indirect pecuniary interest**

**2** For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public,  
or
  - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

**Interest of certain persons deemed that of member**

**3** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3); 2021, c. 4, Sched. 11, s. 23 (4).

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

1999, c. 6, s. 41 (2) - 01/03/2000

2005, c. 5, s. 45 (3) - 13/06/2005

2021, c. 4, Sched. 11, s. 23 (4) - 19/04/2021

EXCEPTIONS

**Where ss. 5, 5.2 and 5.3 do not apply**

**4** Sections 5, 5.2 and 5.3 do not apply to a pecuniary interest in any matter that a member may have,

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1); 2017, c. 10, Sched. 3, s. 2; 2022, c. 18, Sched. 3, s. 1.

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

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (1) - 01/01/2007

2017, c. 10, Sched. 3, s. 2 - 01/03/2019

2022, c. 18, Sched. 3, s. 1 - 23/11/2022

**DUTY OF MEMBER**

**When present at meeting at which matter considered**

**5** (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

**Where member to leave closed meeting**

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

**Exception, consideration of penalty**

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. 2017, c. 10, Sched. 3, s. 3.

**When absent from meeting at which matter considered**

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

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

2017, c. 10, Sched. 3, s. 3 - 01/03/2019

### **Written statement re disclosure**

**5.1** At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

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

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

### **Influence**

**5.2** (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

### **Exception**

(2) However, if a municipality delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the *Municipal Act, 2001* or subsection 160 (5) of the *City of Toronto Act, 2006* to a person or body, and the person or body is considering exercising that power with respect to a member, subsection (1) of this section does not prevent the member from attempting to influence any decision or recommendation of the person or body that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

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

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

### **Head of council**

**5.3** (1) Where a head of council of a municipality either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter of the municipality and has a power or duty listed in subsection (2) with respect to the matter, the head of council,

- (a) shall, upon becoming aware of the interest in the matter, disclose the interest by filing a written statement of the interest and its general nature with the clerk of the municipality;
- (b) shall not use the power or exercise the duty with respect to the matter; and
- (c) shall not use their office in any way to attempt to influence any decision or recommendation of the municipality that results from consideration of the matter. 2022, c. 18, Sched. 3, s. 2.

### **Same**

(2) For the purposes of subsection (1), the powers and duties are the powers and duties of a head of council in Part VI.1 of the *Municipal Act, 2001* and Part VI.1 of the *City of Toronto Act, 2006* but do not include the power to delegate in section 284.13 of the *Municipal Act, 2001* and section 226.11 of the *City of Toronto Act, 2006*. 2022, c. 18, Sched. 3, s. 2.

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

2022, c. 18, Sched. 3, s. 2 - 23/11/2022

## **RECORD OF DISCLOSURE**

### **Disclosure to be recorded in minutes**

**6** (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

### **Idem**

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

## REGISTRY

### Requirement to establish registry

- 6.1** (1) Every municipality and local board shall establish and maintain a registry in which shall be kept,
- (a) a copy of each statement filed under section 5.1 or 5.3; and
  - (b) a copy of each declaration recorded under section 6. 2017, c. 10, Sched. 3, s. 5; 2022, c. 18, Sched. 3, s. 3.

### Access to registry

- (2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine. 2017, c. 10, Sched. 3, s. 5.

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

2017, c. 10, Sched. 3, s. 5 - 01/03/2019

2022, c. 18, Sched. 3, s. 3 - 23/11/2022

## REMEDY FOR LACK OF QUORUM

### Quorum deemed constituted

- 7** (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

### Application to judge

- (2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

### Power of judge to declare s. 5, 5.1 or 5.2 not to apply

- (3) The judge may, on an application brought under subsection (2), by order, declare that section 5, 5.1 or 5.2 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3); 2017, c. 10, Sched. 3, s. 6.

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

2017, c. 10, Sched. 3, s. 6 - 01/03/2019

## ACTION WHERE CONTRAVENTION ALLEGED

### Application

- 8** (1) An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest may apply to a judge for a determination of the question of whether,
- (a) a member has contravened section 5, 5.1, 5.2 or 5.3; or
  - (b) a former member contravened section 5, 5.1, 5.2 or 5.3 while he or she was a member. 2017, c. 10, Sched. 3, s. 7; 2022, c. 18, Sched. 3, s. 4.

### Six-week period

- (2) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

### Exception

- (3) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:
1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the Municipal Act, 2001 or under section 160.1 of the City of Toronto Act, 2006 in accordance with those sections.



2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,
  - i. has advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
  - ii. has not completed the inquiry within the time limit set out in subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006*, or
  - iii. has terminated the inquiry under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*.
3. The application under this section includes a copy of the applicant's statutory declaration made under subsection 223.4.1 (6) of the *Municipal Act, 2001* or under subsection 160.1 (6) of the *City of Toronto Act, 2006*.
4. The application under this section is made within six weeks after the earlier of the following,
  - i. the day the Commissioner advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
  - ii. the last day on which the Commissioner is required under subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection, and
  - iii. the day the inquiry was terminated under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

**Same, application by Integrity Commissioner**

(4) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if the applicant is an Integrity Commissioner and if the application relates to an inquiry conducted by the Commissioner under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

**No application by Integrity Commissioner during regular election**

(5) No application shall be made by an Integrity Commissioner of a municipality during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 3, s. 7.

**Limitation**

(6) Despite subsections (2), (3) and (4), no application shall be made after the sixth anniversary of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

**Contents of notice of application**

(7) The notice of application shall state the grounds for finding that the member or former member contravened section 5, 5.1, 5.2 or 5.3. 2017, c. 10, Sched. 3, s. 7; 2022, c. 18, Sched. 3, s. 4.

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

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

2022, c. 18, Sched. 3, s. 4 - 23/11/2022

**Power of judge**

**9** (1) If the judge determines that the member or former member contravened section 5, 5.1, 5.2 or 5.3, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.

5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. 2017, c. 10, Sched. 3, s. 7; 2022, c. 18, Sched. 3, s. 4.

#### **Same**

(2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

- (a) took reasonable measures to prevent the contravention;
- (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner; or
- (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith. 2017, c. 10, Sched. 3, s. 7.

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

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

2022, c. 18, Sched. 3, s. 4 - 23/11/2022

**10** REPEALED: 2017, c. 10, Sched. 3, s. 7.

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

1997, c. 31, s. 156 (2) - 01/01/1998

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

#### **Appeal to Divisional Court**

**11** (1) An appeal lies from any order made under section 9 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1); 2017, c. 10, Sched. 3, s. 8.

#### **Judgment or new trial**

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

#### **Appeal from order or new trial**

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

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

2017, c. 10, Sched. 3, s. 8 - 01/03/2019

#### **Proceedings not invalidated but voidable**

**12** (1) A member's failure to comply with section 5, 5.1, 5.2 or 5.3 does not invalidate any proceedings in respect of a matter referred to in those sections, but those proceedings are voidable in the circumstances described in subsection (2). 2017, c. 10, Sched. 3, s. 9; 2022, c. 18, Sched. 3, s. 4.

#### **Declaring proceedings void**

(2) Subject to subsection (3), if a member has failed to comply with section 5, 5.1, 5.2 or 5.3 in respect of a matter referred to in those sections, the municipality or local board, as the case may be, may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter. 2017, c. 10, Sched. 3, s. 9; 2022, c. 18, Sched. 3, s. 4.

#### **Exception**

(3) Subsection (2) does not apply if declaring the proceedings to be void would adversely affect the rights that any person who acted in good faith and without actual notice of the failure to comply with section 5, 5.1, 5.2 or 5.3 acquired under or by virtue of the proceedings. 2017, c. 10, Sched. 3, s. 9; 2022, c. 18, Sched. 3, s. 4.

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

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

2022, c. 18, Sched. 3, s. 4 - 23/11/2022

### **Other proceedings prohibited**

**13** (1) A proceeding that relates to a member's or former member's alleged conflict of interest and seeks a remedy described in subsection 9 (1) shall be brought only under this Act. 2017, c. 10, Sched. 3, s. 9.

### **Same**

(2) Subsection (1) does not affect the power of a municipality or a local board to reprimand a member or suspend a member's remuneration under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 9.

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

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

## GENERAL

### **Insurance**

**14** (1) Despite section 279 of the *Municipal Act, 2001* or section 218 of the *City of Toronto Act, 2006*, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, 5.1, 5.2 or 5.3 against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2); 2017, c. 10, Sched. 3, s. 10 (1); 2022, c. 18, Sched. 3, s. 4.

### **Insurance Act does not apply**

(2) The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

### **Surplus funds**

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with subsection 279 (2) of the *Municipal Act, 2001* or subsection 218 (3) of the *City of Toronto Act, 2006*, as the case may be. 2017, c. 10, Sched. 3, s. 10 (2).

### **Reserve funds**

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

### **Local boards**

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

### **Former members**

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

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

1996, c. 32, s. 76 (1) - 06/03/1997

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (2, 3) - 01/01/2007

2007, c. 7, Sched. 27, s. 1 - 05/05/2008

2009, c. 33, Sched. 21, s. 7 - 15/12/2009

2017, c. 10, Sched. 3, s. 10 (1) - 01/03/2019; 2017, c. 10, Sched. 3, s. 10 (2) - 01/03/2018

2022, c. 18, Sched. 3, s. 4 - 23/11/2022

**Conflict with other Acts**

**15** In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

---

Français

Back to top

**Written Statement of Disclosure of Interest**  
***Municipal Conflict of Interest Act***

1. Your Name: \_\_\_\_\_

2. Name of Meeting: \_\_\_\_\_

3. Date of Meeting Where a Conflict Exists: \_\_\_\_\_  
Month Day Year

4. Agenda Item Title, Number and/or Description of Matter:

5. **Obligations:** Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter;
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question; and
- (d) shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

6. **Type of the Conflict** (*check all that apply; see reverse for guidance*):

- Direct Pecuniary Interest
- Indirect Pecuniary Interest (Section 2 of the MCIA)
- Deemed Pecuniary Interest (Section 3 of the MCIA)

7. **General Nature of the Conflict:**

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Date

City Clerk's Office (name/position/date): \_\_\_\_\_

**Please refer to the Municipal Conflict of Interest Act (MCIA)  
for specific reference to the legislative provisions and individual requirements.**

Definitions

**Pecuniary Interest** – an interest concerning or consisting of money, including an interest that has a monetary or financial value. A pecuniary interest can be positive or negative.

**Direct Pecuniary Interest** – A member has a direct pecuniary interest that has an impact on the individual's finances, including economic interest or property value

**Indirect Pecuniary Interest** (Section 2 of MCIA) - a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

**Deemed Pecuniary Interest** (Section 3 of MCIA) - the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member

Exceptions (Section 4 of MCIA)

- as user of public utility;
- entitlement to any service, subsidy, loan or benefit common to other persons
- purchase or ownership of debenture
- deposit with municipality
- interest property affected by *Drainage Act* works or local improvements
- interest in exempted farm lands
- eligibility for election to fill vacancy
- director or senior officer of municipal corporation
- regarding allowance, remuneration, salary or benefit for being a member
- interest in common with electors generally
- remote or insignificant interest

Exception Section 5.2 (2) of MCIA as of March 1, 2019)

- whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*, after disclosing the interest and general nature thereof but shall not vote on the matter



## Statutory Powers Procedure Act

### R.S.O. 1990, CHAPTER S.22

**Consolidation Period:** From June 3, 2021 to the [e-Laws currency date](#).

Last amendment: 2021, c. 25, Sched. 27, s. 1-3.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 56; 1997, c. 23, s. 13; 1999, c. 12, Sched. B, s. 16; 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. B, s. 21; 2006, c. 19, Sched. C, s. 1 (1, 2, 4); 2006, c. 21, Sched. C, s. 134; 2006, c. 21, Sched. F, s. 136 (1); 2009, c. 33, Sched. 6, s. 87; 2015, c. 23, s. 5; 2021, c. 4, Sched. 6, s. 91; 2021, c. 25, Sched. 27, s. 1-3.

### CONTENTS

<a href="#">1.</a>	Interpretation
<a href="#">2.</a>	Liberal construction of Act and rules
<a href="#">3.</a>	Application of Act
<a href="#">4.</a>	Waiver
<a href="#">4.1</a>	Disposition without hearing
<a href="#">4.2</a>	Panels, certain matters
<a href="#">4.2.1</a>	Panel of one, reduced panel
<a href="#">4.3</a>	Expiry of term
<a href="#">4.4</a>	Incapacity of member
<a href="#">4.5</a>	Decision not to process commencement of proceeding
<a href="#">4.6</a>	Dismissal of proceeding without hearing
<a href="#">4.7</a>	Classifying proceedings
<a href="#">4.8</a>	Alternative dispute resolution
<a href="#">4.9</a>	Mediators, etc.: not compellable, notes not evidence
<a href="#">5.</a>	Parties
<a href="#">5.1</a>	Written hearings
<a href="#">5.2</a>	Electronic hearings
<a href="#">5.2.1</a>	Different kinds of hearings in one proceeding
<a href="#">5.3</a>	Pre-hearing conferences
<a href="#">5.4</a>	Disclosure
<a href="#">6.</a>	Notice of hearing
<a href="#">7.</a>	Effect of non-attendance at hearing after due notice
<a href="#">8.</a>	Where character, etc., of a party is in issue
<a href="#">9.</a>	Hearings to be public; maintenance of order
<a href="#">9.1</a>	Proceedings involving similar questions
<a href="#">10.</a>	Right to representation
<a href="#">10.1</a>	Examination of witnesses
<a href="#">11.</a>	Rights of witnesses to representation
<a href="#">12.</a>	Summonses
<a href="#">13.</a>	Contempt proceedings
<a href="#">14.</a>	Protection for witnesses
<a href="#">15.</a>	Evidence
<a href="#">15.1</a>	Use of previously admitted evidence
<a href="#">15.2</a>	Witness panels
<a href="#">16.</a>	Notice of facts and opinions
<a href="#">16.1</a>	Interim decisions and orders
<a href="#">16.2</a>	Time frames
<a href="#">17.</a>	Decision; interest
<a href="#">17.1</a>	Costs
<a href="#">18.</a>	Notice of decision
<a href="#">19.</a>	Enforcement of orders
<a href="#">20.</a>	Record of proceeding
<a href="#">21.</a>	Adjournments



<a href="#">21.1</a>	Correction of errors
<a href="#">21.2</a>	Power to review
<a href="#">22.</a>	Administration of oaths
<a href="#">23.</a>	Powers re control of proceedings
<a href="#">24.</a>	Notice, etc.
<a href="#">25.</a>	Appeal operates as stay, exception
<a href="#">25.0.1</a>	Control of process
<a href="#">25.1</a>	Rules
<a href="#">26.</a>	Regulations
<a href="#">27.</a>	Rules, etc., available to public
<a href="#">28.</a>	Substantial compliance
<a href="#">29.</a>	Prohibition on photographs, recordings, dissemination
<a href="#">32.</a>	Conflict

## Interpretation

1 (1) In this Act,

“electronic hearing” means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear one another; (“audience électronique”)

“hearing” means a hearing in any proceeding; (“audience”)

“licence” includes any permit, certificate, approval, registration or similar form of permission required by law; (“autorisation”)

“municipality” has the same meaning as in the *Municipal Affairs Act*; (“municipalité”)

“oral hearing” means a hearing at which the parties or their representatives attend before the tribunal in person; (“audience orale”)

“proceeding” means a proceeding to which this Act applies; (“instance”)

“representative” means, in respect of a proceeding to which this Act applies, a person authorized under the *Law Society Act* to represent a person in that proceeding; (“représentant”)

“statutory power of decision” means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,

(a) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or

(b) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not; (“compétence légale de décision”)

“tribunal” means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute; (“tribunal”)

“written hearing” means a hearing held by means of the exchange of documents, whether in written form or by electronic means. (“audience écrite”) R.S.O. 1990, c. S.22, s. 1 (1); 1994, c. 27, s. 56 (1-3); 2002, c. 17, Sched. F, Table; 2006, c. 21, Sched. C, s. 134 (1, 2).

## Meaning of “person” extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to a proceeding in the exercise of a statutory power of decision under the statute conferring the power shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties. R.S.O. 1990, c. S.22, s. 1 (2).

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

1994, c. 27, s. 56 (1-3) - 1/04/1995

2002, c. 17, Sched. F, Table - 1/01/2003

2006, c. 21, Sched. C, s. 134 (1, 2) - 1/05/2007

### **Liberal construction of Act and rules**

**2** This Act, and any rule made by a tribunal under subsection 17.1 (4) or section 25.1, shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits. 1999, c. 12, Sched. B, s. 16 (1); 2006, c. 19, Sched. B, s. 21 (1).

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

1999, c. 12, Sched. B, s. 16 (1) - 14/02/2000

2006, c. 19, Sched. B, s. 21 (1) - 22/06/2006

### **Application of Act**

**3** (1) Subject to subsection (2), this Act applies to a proceeding by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceeding an opportunity for a hearing before making a decision. R.S.O. 1990, c. S.22, s. 3 (1); 1994, c. 27, s. 56 (5).

### **Where Act does not apply**

(2) This Act does not apply to a proceeding,

- (a) before the Assembly or any committee of the Assembly;
- (b) in or before,
  - (i) the Court of Appeal,
  - (ii) the Superior Court of Justice,
  - (iii) the Ontario Court of Justice,
  - (iv) the Family Court of the Superior Court of Justice,
  - (v) the Small Claims Court, or
  - (vi) a justice of the peace;
- (c) to which the Rules of Civil Procedure apply;
- (d) before an arbitrator to which the *Arbitration Act, 1991* or the *Labour Relations Act, 1995* applies;
- (e) at a coroner's inquest;
- (f) of a commission appointed under the *Public Inquiries Act, 2009*;
- (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he or she may have power to make; or
- (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned. R.S.O. 1990, c. S.22, s. 3 (2); 1994, c. 27, s. 56 (6); 2006, c. 19, Sched. C, s. 1 (1, 2, 4); 2009, c. 33, Sched. 6, s. 87; 2021, c. 25, Sched. 27, s. 1.

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

1994, c. 27, s. 56 (5, 6) - 1/04/1995

2006, c. 19, Sched. C, s. 1 (1, 2, 4) - 22/06/2006

2009, c. 33, Sched. 6, s. 87 - 1/06/2011

2021, c. 25, Sched. 27, s. 1 - 03/06/2021

### **Waiver**

#### **Waiver of procedural requirement**

**4** (1) Any procedural requirement of this Act, or of another Act or a regulation that applies to a proceeding, may be waived with the consent of the parties and the tribunal. 1997, c. 23, s. 13 (1).

## **Same, rules**

(2) Any provision of a tribunal's rules made under section 25.1 may be waived in accordance with the rules. 1994, c. 27, s. 56 (7).

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

1994, c. 27, s. 56 (7) - 1/04/1995; 1997, c. 23, s. 13 (1) - 28/11/1997

## **Disposition without hearing**

**4.1** If the parties consent, a proceeding may be disposed of by a decision of the tribunal given without a hearing, unless another Act or a regulation that applies to the proceeding provides otherwise. 1997, c. 23, s. 13 (2).

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

1997, c. 23, s. 13 (2) - 28/11/1997

## **Panels, certain matters**

**4.2** (1) A procedural or interlocutory matter in a proceeding may be heard and determined by a panel consisting of one or more members of the tribunal, as assigned by the chair of the tribunal. 1994, c. 27, s. 56 (8).

### **Assignments**

(2) In assigning members of the tribunal to a panel, the chair shall take into consideration any requirement imposed by another Act or a regulation that applies to the proceeding that the tribunal be representative of specific interests. 1997, c. 23, s. 13 (3).

### **Decision of panel**

(3) The decision of a majority of the members of a panel, or their unanimous decision in the case of a two-member panel, is the tribunal's decision. 1994, c. 27, s. 56 (8).

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

1994, c. 27, s. 56 (8) - 1/04/1995; 1997, c. 23, s. 13 (3) - 28/11/1997

## **Panel of one, reduced panel**

### **Panel of one**

**4.2.1** (1) The chair of a tribunal may decide that a proceeding be heard by a panel of one person and assign the person to hear the proceeding unless there is a statutory requirement in another Act that the proceeding be heard by a panel of more than one person.

### **Reduction in number of panel members**

(2) Where there is a statutory requirement in another Act that a proceeding be heard by a panel of a specified number of persons, the chair of the tribunal may assign to the panel one person or any lesser number of persons than the number specified in the other Act if all parties to the proceeding consent. 1999, c. 12, Sched. B, s. 16 (2).

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

1999, c. 12, Sched. B, s. 16 (2) - 14/02/2000

## **Expiry of term**

**4.3** If the term of office of a member of a tribunal who has participated in a hearing expires before a decision is given, the term shall be deemed to continue, but only for the purpose of participating in the decision and for no other purpose. 1997, c. 23, s. 13 (4).

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

1997, c. 23, s. 13 (4) - 28/11/1997

## **Incapacity of member**

**4.4** (1) If a member of a tribunal who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision. 1994, c. 27, s. 56 (9).

### **Other Acts and regulations**

(2) Subsection (1) does not apply if another Act or a regulation specifically deals with the issue of what takes place in the circumstances described in subsection (1). 1997, c. 23, s. 13 (5).

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

1994, c. 27, s. 56 (9) - 1/04/1995; 1997, c. 23, s. 13 (5) - 28/11/1997

### **Decision not to process commencement of proceeding**

**4.5** (1) Subject to subsection (3), upon receiving documents relating to the commencement of a proceeding, a tribunal or its administrative staff may decide not to process the documents relating to the commencement of the proceeding if,

- (a) the documents are incomplete;
- (b) the documents are received after the time required for commencing the proceeding has elapsed;
- (c) the fee required for commencing the proceeding is not paid; or
- (d) there is some other technical defect in the commencement of the proceeding.

### **Notice**

(2) A tribunal or its administrative staff shall give the party who commences a proceeding notice of its decision under subsection (1) and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents.

### **Rules under s. 25.1**

(3) A tribunal or its administrative staff shall not make a decision under subsection (1) unless the tribunal has made rules under section 25.1 respecting the making of such decisions and those rules shall set out,

- (a) any of the grounds referred to in subsection (1) upon which the tribunal or its administrative staff may decide not to process the documents relating to the commencement of a proceeding; and
- (b) the requirements for the processing of the documents to be resumed.

### **Continuance of provisions in other statutes**

(4) Despite section 32, nothing in this section shall prevent a tribunal or its administrative staff from deciding not to process documents relating to the commencement of a proceeding on grounds that differ from those referred to in subsection (1) or without complying with subsection (2) or (3) if the tribunal or its staff does so in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

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

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

### **Dismissal of proceeding without hearing**

**4.6** (1) Subject to subsections (5) and (6), a tribunal may dismiss a proceeding without a hearing if,

- (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
- (b) the proceeding relates to matters that are outside the jurisdiction of the tribunal; or
- (c) some aspect of the statutory requirements for bringing the proceeding has not been met.

### **Notice**

(2) Before dismissing a proceeding under this section, a tribunal shall give notice of its intention to dismiss the proceeding to,

- (a) all parties to the proceeding if the proceeding is being dismissed for reasons referred to in clause (1) (b); or
- (b) the party who commences the proceeding if the proceeding is being dismissed for any other reason.

### **Same**

(3) The notice of intention to dismiss a proceeding shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

### **Right to make submissions**

(4) A party who receives a notice under subsection (2) may make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

### **Dismissal**

(5) A tribunal shall not dismiss a proceeding under this section until it has given notice under subsection (2) and considered any submissions made under subsection (4).

### **Rules**

(6) A tribunal shall not dismiss a proceeding under this section unless it has made rules under section 25.1 respecting the early dismissal of proceedings and those rules shall include,

- (a) any of the grounds referred to in subsection (1) upon which a proceeding may be dismissed;
- (b) the right of the parties who are entitled to receive notice under subsection (2) to make submissions with respect to the dismissal; and
- (c) the time within which the submissions must be made.

### **Continuance of provisions in other statutes**

(7) Despite section 32, nothing in this section shall prevent a tribunal from dismissing a proceeding on grounds other than those referred to in subsection (1) or without complying with subsections (2) to (6) if the tribunal dismisses the proceeding in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

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

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

### **Classifying proceedings**

**4.7** A tribunal may make rules under section 25.1 classifying the types of proceedings that come before it and setting guidelines as to the procedural steps or processes (such as preliminary motions, pre-hearing conferences, alternative dispute resolution mechanisms, expedited hearings) that apply to each type of proceeding and the circumstances in which other procedures may apply. 1999, c. 12, Sched. B, s. 16 (3).

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

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

### **Alternative dispute resolution**

**4.8** (1) A tribunal may direct the parties to a proceeding to participate in an alternative dispute resolution mechanism for the purposes of resolving the proceeding or an issue arising in the proceeding if,

- (a) it has made rules under section 25.1 respecting the use of alternative dispute resolution mechanisms; and
- (b) all parties consent to participating in the alternative dispute resolution mechanism.

### **Definition**

(2) In this section,

“alternative dispute resolution mechanism” includes mediation, conciliation, negotiation or any other means of facilitating the resolution of issues in dispute.

### **Rules**

(3) A rule under section 25.1 respecting the use of alternative dispute resolution mechanisms shall include procedural guidelines to deal with the following:

1. The circumstances in which a settlement achieved by means of an alternative dispute resolution mechanism must be reviewed and approved by the tribunal.
2. Any requirement, statutory or otherwise, that there be an order by the tribunal.

### **Mandatory alternative dispute resolution**

(4) A rule under subsection (3) may provide that participation in an alternative dispute resolution mechanism is mandatory or that it is mandatory in certain specified circumstances.

### **Person appointed to mediate, etc.**

(5) A rule under subsection (3) may provide that a person appointed to mediate, conciliate, negotiate or help resolve a matter by means of an alternative dispute resolution mechanism be a member of the tribunal or a person independent of the tribunal. However, a member of the tribunal who is so appointed with respect to a matter in a proceeding shall not subsequently hear the matter if it comes before the tribunal unless the parties consent.

### **Continuance of provisions in other statutes**

(6) Despite section 32, nothing in this section shall prevent a tribunal from directing parties to a proceeding to participate in an alternative dispute resolution mechanism even though the requirements of subsections (1) to (5) have not been met if the tribunal does so in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

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

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

### **Mediators, etc.: not compellable, notes not evidence**

#### **Mediators, etc., not compellable**

**4.9** (1) No person employed as a mediator, conciliator or negotiator or otherwise appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism shall be compelled to give testimony or produce documents in a proceeding before the tribunal or in a civil proceeding with respect to matters that come to his or her knowledge in the course of exercising his or her duties under this or any other Act.

#### **Evidence in civil proceedings**

(2) No notes or records kept by a mediator, conciliator or negotiator or by any other person appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism under this or any other Act are admissible in a civil proceeding. 1999, c. 12, Sched. B, s. 16 (3).

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

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

### **Parties**

**5.** The parties to a proceeding shall be the persons specified as parties by or under the statute under which the proceeding arises or, if not so specified, persons entitled by law to be parties to the proceeding. R.S.O. 1990, c. S.22, s. 5.

### **Written hearings**

**5.1** (1) A tribunal whose rules made under section 25.1 deal with written hearings may hold a written hearing in a proceeding. 1997, c. 23, s. 13 (6).

#### **Exception**

(2) The tribunal shall not hold a written hearing if a party satisfies the tribunal that there is good reason for not doing so.

#### **Same**

(2.1) Subsection (2) does not apply if the only purpose of the hearing is to deal with procedural matters. 1999, c. 12, Sched. B, s. 16 (4).

### **Documents**

(3) In a written hearing, all the parties are entitled to receive every document that the tribunal receives in the proceeding. 1994, c. 27, s. 56 (10).

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

1994, c. 27, s. 56 (10) - 1/04/1995; 1997, c. 23, s. 13 (6) - 28/11/1997; 1999, c. 12, Sched. B, s. 16 (4) - 14/02/2000

### **Electronic hearings**

**5.2** (1) A tribunal whose rules made under section 25.1 deal with electronic hearings may hold an electronic hearing in a proceeding. 1997, c. 23, s. 13 (7).

#### **Exception**

(2) The tribunal shall not hold an electronic hearing if a party satisfies the tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

## **Same**

(3) Subsection (2) does not apply if the only purpose of the hearing is to deal with procedural matters.

## **Participants to be able to hear one another**

(4) In an electronic hearing, all the parties and the members of the tribunal participating in the hearing must be able to hear one another and any witnesses throughout the hearing. 1994, c. 27, s. 56 (10).

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

1994, c. 27, s. 56 (10) - 1/04/1995; 1997, c. 23, s. 13 (7) - 28/11/1997

## **Different kinds of hearings in one proceeding**

**5.2.1** A tribunal may, in a proceeding, hold any combination of written, electronic and oral hearings. 1997, c. 23, s. 13 (8).

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

1997, c. 23, s. 13 (8) - 28/11/1997

## **Pre-hearing conferences**

**5.3** (1) If the tribunal's rules made under section 25.1 deal with pre-hearing conferences, the tribunal may direct the parties to participate in a pre-hearing conference to consider,

- (a) the settlement of any or all of the issues;
- (b) the simplification of the issues;
- (c) facts or evidence that may be agreed upon;
- (d) the dates by which any steps in the proceeding are to be taken or begun;
- (e) the estimated duration of the hearing; and
- (f) any other matter that may assist in the just and most expeditious disposition of the proceeding. 1994, c. 27, s. 56 (11); 1997, c. 23, s. 13 (9).

## **Other Acts and regulations**

(1.1) The tribunal's power to direct the parties to participate in a pre-hearing conference is subject to any other Act or regulation that applies to the proceeding. 1997, c. 23, s. 13 (10).

## **Who presides**

(2) The chair of the tribunal may designate a member of the tribunal or any other person to preside at the pre-hearing conference.

## **Orders**

(3) A member who presides at a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding, including adding parties.

## **Disqualification**

(4) A member who presides at a pre-hearing conference at which the parties attempt to settle issues shall not preside at the hearing of the proceeding unless the parties consent. 1994, c. 27, s. 56 (11).

## **Application of s. 5.2**

(5) Section 5.2 applies to a pre-hearing conference, with necessary modifications. 1997, c. 23, s. 13 (10).

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

1994, c. 27, s. 56 (11) - 1/04/1995; 1997, c. 23, s. 13 (9, 10) - 28/11/1997

## **Disclosure**

**5.4** (1) If the tribunal's rules made under section 25.1 deal with disclosure, the tribunal may, at any stage of the proceeding before all hearings are complete, make orders for,

- (a) the exchange of documents;
- (b) the oral or written examination of a party;
- (c) the exchange of witness statements and reports of expert witnesses;

- (d) the provision of particulars;
- (e) any other form of disclosure. 1994, c. 27, s. 56 (12); 1997, c. 23, s. 13 (11).

#### **Other Acts and regulations**

(1.1) The tribunal's power to make orders for disclosure is subject to any other Act or regulation that applies to the proceeding. 1997, c. 23, s. 13 (12).

#### **Exception, privileged information**

(2) Subsection (1) does not authorize the making of an order requiring disclosure of privileged information. 1994, c. 27, s. 56 (12).

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

1994, c. 27, s. 56 (12) - 1/04/1995; 1997, c. 23, s. 13 (11, 12) - 28/11/1997

#### **Notice of hearing**

**6** (1) The parties to a proceeding shall be given reasonable notice of the hearing by the tribunal. R.S.O. 1990, c. S.22, s. 6 (1).

#### **Statutory authority**

(2) A notice of a hearing shall include a reference to the statutory authority under which the hearing will be held.

#### **Oral hearing**

- (3) A notice of an oral hearing shall include,
  - (a) a statement of the time, place and purpose of the hearing; and
  - (b) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13).

#### **Written hearing**

- (4) A notice of a written hearing shall include,
  - (a) a statement of the date and purpose of the hearing, and details about the manner in which the hearing will be held;
  - (b) a statement that the hearing shall not be held as a written hearing if the party satisfies the tribunal that there is good reason for not holding a written hearing (in which case the tribunal is required to hold it as an electronic or oral hearing) and an indication of the procedure to be followed for that purpose;
  - (c) a statement that if the party notified neither acts under clause (b) nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13); 1997, c. 23, s. 13 (13); 1999, c. 12, Sched. B, s. 16 (5).

#### **Electronic hearing**

- (5) A notice of an electronic hearing shall include,
  - (a) a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;
  - (b) a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;
  - (c) if clause (b) does not apply, a statement that the party notified may, by satisfying the tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the tribunal to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and
  - (d) a statement that if the party notified neither acts under clause (c), if applicable, nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13).

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

1994, c. 27, s. 56 (13) - 1/04/1995; 1997, c. 23, s. 13 (13) - 28/11/1997; 1999, c. 12, Sched. B, s. 16 (5) - 14/02/2000



### **Effect of non-attendance at hearing after due notice**

7 (1) Where notice of an oral hearing has been given to a party to a proceeding in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding. R.S.O. 1990, c. S.22, s. 7; 1994, c. 27, s. 56 (14).

### **Same, written hearings**

(2) Where notice of a written hearing has been given to a party to a proceeding in accordance with this Act and the party neither acts under clause 6 (4) (b) nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

### **Same, electronic hearings**

(3) Where notice of an electronic hearing has been given to a party to a proceeding in accordance with this Act and the party neither acts under clause 6 (5) (c), if applicable, nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (15).

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

1994, c. 27, s. 56 (14, 15) - 1/04/1995

### **Where character, etc., of a party is in issue**

8. Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto. R.S.O. 1990, c. S.22, s. 8.

### **Hearings to be public; maintenance of order**

#### **Hearings to be public, exceptions**

9 (1) An oral hearing shall be open to the public except where the tribunal is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing in the absence of the public. R.S.O. 1990, c. S.22, s. 9 (1); 1994, c. 27, s. 56 (16).

#### **Written hearings**

(1.1) In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the tribunal is of the opinion that clause (1) (a) or (b) applies. 1994, c. 27, s. 56 (17).

#### **Electronic hearings**

(1.2) An electronic hearing shall be open to the public unless the tribunal is of the opinion that,

- (a) it is not practical to hold the hearing in a manner that is open to the public; or
- (b) clause (1) (a) or (b) applies. 1997, c. 23, s. 13 (14).

### **Maintenance of order at hearings**

(2) A tribunal may make such orders or give such directions at an oral or electronic hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. R.S.O. 1990, c. S.22, s. 9 (2); 1994, c. 27, s. 56 (18).

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

1994, c. 27, s. 56 (16-18) - 1/04/1995; 1997, c. 23, s. 13 (14) - 28/11/1997

### **Proceedings involving similar questions**

9.1 (1) If two or more proceedings before a tribunal involve the same or similar questions of fact, law or policy, the tribunal may,

- (a) combine the proceedings or any part of them, with the consent of the parties;
- (b) hear the proceedings at the same time, with the consent of the parties;
- (c) hear the proceedings one immediately after the other; or
- (d) stay one or more of the proceedings until after the determination of another one of them.

#### **Exception**

(2) Subsection (1) does not apply to proceedings held under section 21 of the *Ontario Land Tribunal Act, 2021*. 1994, c. 27, s. 56 (19); 2021, c. 4, Sched. 6, s. 91.

#### **Same**

- (3) Clauses (1) (a) and (b) do not apply to a proceeding if,
- (a) any other Act or regulation that applies to the proceeding requires that it be heard in private;
  - (b) the tribunal is of the opinion that clause 9 (1) (a) or (b) applies to the proceeding. 1994, c. 27, s. 56 (19); 1997, c. 23, s. 13 (15).

#### **Conflict, consent requirements**

(4) The consent requirements of clauses (1) (a) and (b) do not apply if another Act or a regulation that applies to the proceedings allows the tribunal to combine them or hear them at the same time without the consent of the parties. 1997, c. 23, s. 13 (16).

#### **Use of same evidence**

(5) If the parties to the second-named proceeding consent, the tribunal may treat evidence that is admitted in a proceeding as if it were also admitted in another proceeding that is heard at the same time under clause (1) (b). 1994, c. 27, s. 56 (19).

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

1994, c. 27, s. 56 (19) - 1/04/1995; 1997, c. 23, s. 13 (15, 16) - 28/11/1997

2021, c. 4, Sched. 6, s. 91 - 01/06/2021

#### **Right to representation**

**10** A party to a proceeding may be represented by a representative. 2006, c. 21, Sched. C, s. 134 (3).

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

1994, c. 27, s. 56 (20) - 1/04/1995

2006, c. 21, Sched. C, s. 134 (3) - 1/05/2007

#### **Examination of witnesses**

**10.1** A party to a proceeding may, at an oral or electronic hearing,

- (a) call and examine witnesses and present evidence and submissions; and
- (b) conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of all matters relevant to the issues in the proceeding. 1994, c. 27, s. 56 (20).

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

1994, c. 27, s. 56 (20) - 1/04/1995

#### **Rights of witnesses to representation**

**11** (1) A witness at an oral or electronic hearing is entitled to be advised by a representative as to his or her rights, but such representative may take no other part in the hearing without leave of the tribunal. 2006, c. 21, Sched. C, s. 134 (4).

#### **Idem**

(2) Where an oral hearing is closed to the public, the witness's representative is not entitled to be present except when that witness is giving evidence. R.S.O. 1990, c. S.22, s. 11 (2); 1994, c. 27, s. 56 (22); 2006, c. 21, Sched. C, s. 134 (5).

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

1994, c. 27, s. 56 (21, 22) - 1/04/1995

2006, c. 21, Sched. C, s. 134 (4, 5) - 1/05/2007

### **Summonses**

**12** (1) A tribunal may require any person, including a party, by summons,

- (a) to give evidence on oath or affirmation at an oral or electronic hearing; and
- (b) to produce in evidence at an oral or electronic hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceeding and admissible at a hearing. R.S.O. 1990, c. S.22, s. 12 (1); 1994, c. 27, s. 56 (23).

### **Form and service of summons**

(2) A summons issued under subsection (1) shall be in the prescribed form (in English or French) and,

- (a) where the tribunal consists of one person, shall be signed by him or her;
- (b) where the tribunal consists of more than one person, shall be signed by the chair of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal. 1994, c. 27, s. 56 (24).

### **Same**

(3) The summons shall be served personally on the person summoned. 1994, c. 27, s. 56 (24).

### **Fees and allowances**

(3.1) The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice. 1994, c. 27, s. 56 (24); 2006, c. 19, Sched. C, s. 1 (1).

### **Bench warrant**

(4) A judge of the Superior Court of Justice may issue a warrant against a person if the judge is satisfied that,

- (a) a summons was served on the person under this section;
- (b) the person has failed to attend or to remain in attendance at the hearing (in the case of an oral hearing) or has failed otherwise to participate in the hearing (in the case of an electronic hearing) in accordance with the summons; and
- (c) the person's attendance or participation is material to the ends of justice. 1994, c. 27, s. 56 (25); 2006, c. 19, Sched. C, s. 1 (1).

### **Same**

(4.1) The warrant shall be in the prescribed form (in English or French), directed to any police officer, and shall require the person to be apprehended anywhere within Ontario, brought before the tribunal forthwith and,

- (a) detained in custody as the judge may order until the person's presence as a witness is no longer required; or
- (b) in the judge's discretion, released on a recognizance, with or without sureties, conditioned for attendance or participation to give evidence. 1994, c. 27, s. 56 (25).

### **Proof of service**

(5) Service of a summons may be proved by affidavit in an application to have a warrant issued under subsection (4). 1994, c. 27, s. 56 (26).

### **Certificate of facts**

(6) Where an application to have a warrant issued is made on behalf of a tribunal, the person constituting the tribunal or, if the tribunal consists of more than one person, the chair of the tribunal may certify to the judge the facts relied on to establish that the attendance or other participation of the person summoned is material to the ends of justice, and the judge may accept the certificate as proof of the facts. 1994, c. 27, s. 56 (26).

### **Same**

(7) Where the application is made by a party to the proceeding, the facts relied on to establish that the attendance or other participation of the person is material to the ends of justice may be proved by the party's affidavit. 1994, c. 27, s. 56 (26).

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

1994, c. 27, s. 56 (23-26) - 1/04/1995

### **Contempt proceedings**

**13** (1) Where any person without lawful excuse,

- (a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or
- (b) being in attendance as a witness at an oral hearing or otherwise participating as a witness at an electronic hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his or her power or control legally required by the tribunal to be produced by him or her or to answer any question to which the tribunal may legally require an answer; or
- (c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on the motion of a party to the proceeding, state a case to the Divisional Court setting out the facts and that court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he or she had been guilty of contempt of the court. R.S.O. 1990, c. S.22, s. 13; 1994, c. 27, s. 56 (27).

### **Same**

(2) Subsection (1) also applies to a person who,

- (a) having objected under clause 6 (4) (b) to a hearing being held as a written hearing, fails without lawful excuse to participate in the oral or electronic hearing of the matter; or
- (b) being a party, fails without lawful excuse to attend a pre-hearing conference when so directed by the tribunal. 1997, c. 23, s. 13 (17).

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

1994, c. 27, s. 56 (27) - 1/04/1995; 1997, c. 23, s. 13 (17) - 28/11/1997

### **Protection for witnesses**

**14** (1) A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked him or her upon the ground that the answer may tend to criminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence. R.S.O. 1990, c. S.22, s. 14 (1); 1994, c. 27, s. 56 (28); 2021, c. 25, Sched. 27, s. 2.

(2) REPEALED: 1994, c. 27, s. 56 (29).

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

1994, c. 27, s. 56 (28, 29) - 1/04/1995

2021, c. 25, Sched. 27, s. 2 - 03/06/2021

### **Evidence**

#### **What is admissible in evidence at a hearing**

**15** (1) Subject to subsections (2) and (3), a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

#### **What is inadmissible in evidence at a hearing**

(2) Nothing is admissible in evidence at a hearing,

- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceeding arises or any other statute.

#### **Conflicts**

(3) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

#### **Copies**

(4) Where a tribunal is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

#### **Photocopies**

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal.

#### **Certified copy admissible in evidence**

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document. R.S.O. 1990, c. S.22, s. 15.

#### **Use of previously admitted evidence**

**15.1** (1) The tribunal may treat previously admitted evidence as if it had been admitted in a proceeding before the tribunal, if the parties to the proceeding consent. 1994, c. 27, s. 56 (30).

#### **Definition**

(2) In subsection (1),

“previously admitted evidence” means evidence that was admitted, before the hearing of the proceeding referred to in that subsection, in any other proceeding before a court or tribunal, whether in or outside Ontario.

#### **Additional power**

(3) This power conferred by this section is in addition to the tribunal’s power to admit evidence under section 15. 1997, c. 23, s. 13 (18).

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

1994, c. 27, s. 56 (30) - 1/04/1995; 1997, c. 23, s. 13 (18) - 28/11/1997

#### **Witness panels**

**15.2** A tribunal may receive evidence from panels of witnesses composed of two or more persons, if the parties have first had an opportunity to make submissions in that regard. 1994, c. 27, s. 56 (31).

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

1994, c. 27, s. 56 (31) - 1/04/1995

#### **Notice of facts and opinions**

**16** A tribunal may, in making its decision in any proceeding,

- (a) take notice of facts that may be judicially noticed; and
- (b) take notice of any generally recognized scientific or technical facts, information or opinions within its scientific or specialized knowledge. R.S.O. 1990, c. S.22, s. 16.

#### **Interim decisions and orders**

**16.1** (1) A tribunal may make interim decisions and orders.

#### **Conditions**

(2) A tribunal may impose conditions on an interim decision or order.

#### **Reasons**

(3) An interim decision or order need not be accompanied by reasons. 1994, c. 27, s. 56 (32).

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

1994, c. 27, s. 56 (32) - 1/04/1995

#### **Time frames**

**16.2** A tribunal shall establish guidelines setting out the usual time frame for completing proceedings that come before the tribunal and for completing the procedural steps within those proceedings. 1999, c. 12, Sched. B, s. 16 (6).

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

1999, c. 12, Sched. B, s. 16 (6) - 14/02/2000

#### **Decision; interest**

##### **Decision**

**17** (1) A tribunal shall give its final decision and order, if any, in any proceeding in writing and shall give reasons in writing therefor if requested by a party. R.S.O. 1990, c. S.22, s. 17; 1993, c. 27, Sched.

##### **Interest**

(2) A tribunal that makes an order for the payment of money shall set out in the order the principal sum, and if interest is payable, the rate of interest and the date from which it is to be calculated. 1994, c. 27, s. 56 (33).

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

1993, c. 27, Sched. - 31/12/1991; 1994, c. 27, s. 56 (33) - 1/04/1995

#### **Costs**

**17.1** (1) Subject to subsection (2), a tribunal may, in the circumstances set out in rules made under subsection (4), order a party to pay all or part of another party's costs in a proceeding. 2006, c. 19, Sched. B, s. 21 (2).

#### **Exception**

(2) A tribunal shall not make an order to pay costs under this section unless,

- (a) the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith; and
- (b) the tribunal has made rules under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

#### **Amount of costs**

(3) The amount of the costs ordered under this section shall be determined in accordance with the rules made under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

#### **Rules**

(4) A tribunal may make rules with respect to,

- (a) the ordering of costs;
- (b) the circumstances in which costs may be ordered; and
- (c) the amount of costs or the manner in which the amount of costs is to be determined. 2006, c. 19, Sched. B, s. 21 (2).

#### **Same**

(5) Subsections 25.1 (3), (4), (5) and (6) apply with respect to rules made under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

#### **Continuance of provisions in other statutes**

(6) Despite section 32, nothing in this section shall prevent a tribunal from ordering a party to pay all or part of another party's costs in a proceeding in circumstances other than those set out in, and without complying with, subsections (1) to (3) if the tribunal makes the order in accordance with the provisions of an Act that are in force on February 14, 2000. 2006, c. 19, Sched. B, s. 21 (2).

#### **Submissions must be in writing**

(7) Despite sections 5.1, 5.2 and 5.2.1, submissions for a costs order, whether under subsection (1) or under an authority referred to in subsection (6), shall be made by way of written or electronic documents, unless a party satisfies the tribunal that to do so is likely to cause the party significant prejudice. 2015, c. 23, s. 5.

(8), (9) REPEALED: 2015, c. 23, s. 5.

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

1999, c. 12, Sched. B, s. 16 (7) - 14/02/2000

2006, c. 19, Sched. B, s. 21 (2) - 22/06/2006

2015, c. 23, s. 5 - 03/11/2015

**Notice of decision**

**18** (1) The tribunal shall send each party who participated in the proceeding, or the party's representative, a copy of its final decision or order, including the reasons if any have been given,

- (a) by regular lettermail;
- (b) by electronic transmission;
- (c) by telephone transmission of a facsimile; or
- (d) by some other method that allows proof of receipt, if the tribunal's rules made under section 25.1 deal with the matter. 1994, c. 27, s. 56 (34); 1997, c. 23, s. 13 (19); 2006, c. 21, Sched. C, s. 134 (6).

**Use of mail**

(2) If the copy is sent by regular lettermail, it shall be sent to the most recent addresses known to the tribunal and shall be deemed to be received by the party on the fifth day after the day it is mailed. 1994, c. 27, s. 56 (34).

**Use of electronic or telephone transmission**

(3) If the copy is sent by electronic transmission or by telephone transmission of a facsimile, it shall be deemed to be received on the day after it was sent, unless that day is a holiday, in which case the copy shall be deemed to be received on the next day that is not a holiday. 1994, c. 27, s. 56 (34).

**Use of other method**

(4) If the copy is sent by a method referred to in clause (1) (d), the tribunal's rules made under section 25.1 govern its deemed day of receipt. 1994, c. 27, s. 56 (34).

**Failure to receive copy**

(5) If a party that acts in good faith does not, through absence, accident, illness or other cause beyond the party's control, receive the copy until a later date than the deemed day of receipt, subsection (2), (3) or (4), as the case may be, does not apply. 1994, c. 27, s. 56 (34).

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

1994, c. 27, s. 56 (34) - 1/04/1995; 1997, c. 23, s. 13 (19) - 28/11/1997

2006, c. 21, Sched. C, s. 134 (6) - 1/05/2007

**Enforcement of orders**

**19** (1) A certified copy of a tribunal's decision or order in a proceeding may be filed in the Superior Court of Justice by the tribunal or by a party and on filing shall be deemed to be an order of that court and is enforceable as such. 1994, c. 27, s. 56 (35); 2006, c. 19, Sched. C, s. 1 (1).

**Notice of filing**

(2) A party who files an order under subsection (1) shall notify the tribunal within 10 days after the filing. 1994, c. 27, s. 56 (35).

**Order for payment of money**

(3) On receiving a certified copy of a tribunal's order for the payment of money, the sheriff shall enforce the order as if it were an execution issued by the Superior Court of Justice. 1994, c. 27, s. 56 (35); 2006, c. 19, Sched. C, s. 1 (1).

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

1994, c. 27, s. 56 (35) - 1/04/1995

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

## **Record of proceeding**

**20** A tribunal shall compile a record of any proceeding in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceeding was commenced;
- (b) the notice of any hearing;
- (c) any interlocutory orders made by the tribunal;
- (d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the tribunal and the reasons therefor, where reasons have been given. R.S.O. 1990, c. S.22, s. 20.

## **Adjournments**

**21** A hearing may be adjourned from time to time by a tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held. R.S.O. 1990, c. S.22, s. 21.

## **Correction of errors**

**21.1** A tribunal may at any time correct a typographical error, error of calculation or similar error made in its decision or order. 1994, c. 27, s. 56 (36).

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

1994, c. 27, s. 56 (36) - 1/04/1995

## **Power to review**

**21.2** (1) A tribunal may, if it considers it advisable and if its rules made under section 25.1 deal with the matter, review all or part of its own decision or order, and may confirm, vary, suspend or cancel the decision or order. 1997, c. 23, s. 13 (20).

## **Time for review**

(2) The review shall take place within a reasonable time after the decision or order is made.

## **Conflict**

(3) In the event of a conflict between this section and any other Act, the other Act prevails. 1994, c. 27, s. 56 (36).

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

1994, c. 27, s. 56 (36) - 1/04/1995; 1997, c. 23, s. 13 (20) - 28/11/1997

## **Administration of oaths**

**22** A member of a tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation. R.S.O. 1990, c. S.22, s. 22.

## **Powers re control of proceedings**

### **Abuse of processes**

**23** (1) A tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes. R.S.O. 1990, c. S.22, s. 23 (1).

### **Limitation on examination**

(2) A tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. 1994, c. 27, s. 56 (37).

### **Exclusion of representatives**

(3) A tribunal may exclude from a hearing anyone, other than a person licensed under the *Law Society Act*, appearing on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to advise the party or witness, or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser. 2006, c. 21, Sched. C, s. 134 (7).

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

1994, c. 27, s. 56 (37) - 1/04/1995



2006, c. 21, Sched. C, s. 134 (7) - 1/05/2007

#### **Notice, etc.**

**24** (1) Where a tribunal is of the opinion that because the parties to any proceeding before it are so numerous or for any other reason, it is impracticable,

- (a) to give notice of the hearing; or
- (b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

#### **Contents of notice**

(2) A notice of a decision given by a tribunal under clause (1) (b) shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained. R.S.O. 1990, c. S.22, s. 24.

#### **Appeal operates as stay, exception**

**25.** (1) An appeal from a decision of a tribunal to a court or other appellate body operates as a stay in the matter unless,

- (a) another Act or a regulation that applies to the proceeding expressly provides to the contrary; or
- (b) the tribunal or the court or other appellate body orders otherwise. 1997, c. 23, s. 13 (21).

#### **Idem**

(2) An application for judicial review under the *Judicial Review Procedure Act*, or the bringing of proceedings specified in subsection 2 (1) of that Act is not an appeal within the meaning of subsection (1). R.S.O. 1990, c. S.22, s. 25 (2).

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

1997, c. 23, s. 13 (21) - 28/11/1997

#### **Control of process**

**25.0.1** A tribunal has the power to determine its own procedures and practices and may for that purpose,

- (a) make orders with respect to the procedures and practices that apply in any particular proceeding; and
- (b) establish rules under section 25.1. 1999, c. 12, Sched. B, s. 16 (8).

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

1999, c. 12, Sched. B, s. 16 (8) - 14/02/2000

#### **Rules**

**25.1** (1) A tribunal may make rules governing the practice and procedure before it. 1994, c. 27, s. 56 (38).

#### **Application**

(2) The rules may be of general or particular application. 1994, c. 27, s. 56 (38).

#### **Consistency with Acts**

(3) The rules shall be consistent with this Act and with the other Acts to which they relate. 1994, c. 27, s. 56 (38).

#### **Public access**

(4) The tribunal shall make the rules available to the public in English and in French. 1994, c. 27, s. 56 (38).

#### **Legislation Act, 2006, Part III**

(5) Rules adopted under this section are not regulations as defined in Part III (Regulations) of the *Legislation Act, 2006*. 1994, c. 27, s. 56 (38); 2006, c. 21, Sched. F, s. 136 (1).

#### **Additional power**

(6) The power conferred by this section is in addition to any power to adopt rules that the tribunal may have under another Act. 1994, c. 27, s. 56 (38).

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

1994, c. 27, s. 56 (38) - 1/04/1995

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

### **Regulations**

**26** The Lieutenant Governor in Council may make regulations prescribing forms for the purpose of section 12. 1994, c. 27, s. 56 (41).

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

1994, c. 27, s. 56 (39, 41) - 1/04/1995

### **Rules, etc., available to public**

**27** A tribunal shall make any rules or guidelines established under this or any other Act available for examination by the public. 1999, c. 12, Sched. B, s. 16 (9).

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

1999, c. 12, Sched. B, s. 16 (9) - 14/02/2000

### **Substantial compliance**

**28** Substantial compliance with requirements respecting the content of forms, notices or documents under this Act or any rule made under this or any other Act is sufficient. 1999, c. 12, Sched. B, s. 16 (9).

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

1999, c. 12, Sched. B, s. 16 (9) - 14/02/2000

### **Prohibition on photographs, recordings, dissemination**

**29** (1) No person shall,

- (a) take or attempt to take a photograph, audio or video recording or other record capable of producing or transmitting visual or aural representations by electronic means or otherwise,
  - (i) at a hearing,
  - (ii) of any person entering or leaving the room in which a hearing is to be or has been convened, or
  - (iii) of any person in the building in which a hearing is to be or has been convened if there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing, other than in an area of the building designated by the tribunal for the purpose and with the person's consent;
- (b) publish, broadcast, reproduce or otherwise disseminate a photograph, recording or record taken in contravention of clause (a); or
- (c) broadcast, reproduce or otherwise disseminate an audio recording described in clause (2) (b). 2021, c. 25, Sched. 27, s. 3.

### **Non-application**

(2) Subsection (1) does not apply with respect to,

- (a) the unobtrusive making of notes or sketches of events at a hearing by a person;
- (b) the making of an audio recording at a hearing, unobtrusively and in a manner authorized by the tribunal, by a representative, a party acting on their own behalf or a journalist, for the sole purpose of supplementing or replacing notes; or
- (c) subject to the authorization of the tribunal, any act referred to in subsection (1),
  - (i) if it is required for the presentation of evidence, the making of a record or any other purpose of the hearing,
  - (ii) with the consent of the parties and witnesses, or
  - (iii) in connection with any ceremonial proceeding. 2021, c. 25, Sched. 27, s. 3.

### **Offence and penalty**

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000. 2021, c. 25, Sched. 27, s. 3.

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

1994, c. 27, s. 56 (40) - 1/04/1995

2021, c. 25, Sched. 27, s. 3 - 03/06/2021

**30, 31** REPEALED: 1994, c. 27, s. 56 (40).

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

1994, c. 27, s. 56 (40) - 1/04/1995

**Conflict**

**32** Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply despite anything in this Act, the provisions of this Act prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith. R.S.O. 1990, c. S.22, s. 32; 1994, c. 27, s. 56 (42).

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

1994, c. 27, s. 56 (42) - 1/04/1995

**33, 34** REPEALED: 1994, c. 27, s. 56 (43).

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

1994, c. 27, s. 56 (43) - 1/04/1995

FormS 1, 2 REPEALED: 1994, C. 27, S. 56 (44).

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

1994, c. 27, s. 56 (44) - 1/04/1995

---

Français

Back to top



## Planning Act

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

**Consolidation Period:** From April 6, 2023 to the [e-Laws currency date](#).

Last amendment: 2022, c. 21, Sched. 9.

Legislative History: 1991, c. 9, s. 1; 1991, c. 15, s. 41, 42; 1993, c. 26, s. 49-66; 1993, c. 27, Sched.; 1994, c. 2, s. 40-49; 1994, c. 4, s. 14, 15; 1994, c. 23, s. 3-50; 1996, c. 4, s. 1-42; 1996, c. 32, s. 82; 1997, c. 24, s. 226; 1997, c. 26, Sched.; 1997, c. 29, s. 65; 1997, c. 31, s. 164 (But see Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - December 31, 2011); 1998, c. 15, Sched. E, s. 27; 1999, c. 12, Sched. M, s. 21-30; 2000, c. 5, s. 20; 2000, c. 26, Sched. K, s. 5; 2001, c. 9, Sched. J, s. 2; 2001, c. 17, s. 7; 2001, c. 32, s. 31; 2002, c. 1, Sched. C, s. 4; 2002, c. 9, s. 56; 2002, c. 17, Sched. B; 2004, c. 18; 2005, c. 26, Sched. B, s. 1; 2006, c. 22, s. 115; 2006, c. 23, s. 1-29; 2006, c. 32, Sched. C, s. 47, 48; 2009, c. 12, Sched. K; 2009, c. 12, Sched. L, s. 19; 2009, c. 33, Sched. 2, s. 59; 2009, c. 33, Sched. 21, s. 10; 2011, c. 6, Sched. 2; 2015, c. 26, s. 11-38 (see: 2016, c. 25, Sched. 6); 2015, c. 28, Sched. 1, s. 155; 2016, c. 25, Sched. 4; 2017, c. 10, Sched. 4, s. 11; 2017, c. 20, Sched. 8, s. 119; 2017, c. 23, Sched. 3, ss. 1-17; 2017, c. 23, Sched. 5, ss. 79-103; 2018, c. 3, Sched. 5, s. 47 (see: 2019, c. 1, Sched. 3, s. 5); 2018, c. 16, s. 8; 2019, c. 1, Sched. 4, s. 45; 2019, c. 9, Sched. 12 (see: 2020, c. 18, Sched. 17, s. 6); 2019, c. 15, Sched. 31 (see: 2020, c. 18, Sched. 17, s. 7); 2020, c. 6, Sched. 4; 2020, c. 18, Sched. 6, s. 62 (see: 2021, c. 25, Sched. 23, s. 2); 2020, c. 18, Sched. 17; 2020, c. 34, Sched. 20; 2020, c. 36, Sched. 6, s. 26 (see 2022, c. 21, Sched. 9, s. 24); 2021, c. 2, Sched. 3; 2021, c. 4, Sched. 6, s. 80; 2021, c. 25, Sched. 23; 2021, c. 25, Sched. 24; 2021, c. 34, Sched. 19, s. 1; 2022, c. 12, Sched. 5; 2022, c. 21, Sched. 9.

#### CONTENTS

<a href="#">1.</a>	Interpretation
<a href="#">1.0.1</a>	Information and material to be made available to public
<a href="#">1.1</a>	Purposes
<a href="#">1.2</a>	Not-for-Profit Corporations Act, 2010
<b><a href="#">PART I</a></b>	
<b>PROVINCIAL ADMINISTRATION</b>	
<a href="#">2.</a>	Provincial interest
<a href="#">2.1</a>	Approval authorities and Tribunal to have regard to certain matters
<a href="#">3.</a>	Policy statements
<a href="#">4.</a>	Delegation of Minister's powers
<a href="#">5.</a>	Further delegation of powers
<a href="#">6.</a>	Consultation
<a href="#">7.</a>	Grants
<b><a href="#">PART II</a></b>	
<b>LOCAL PLANNING ADMINISTRATION</b>	
<a href="#">8.</a>	Planning advisory committee
<a href="#">8.1</a>	Local appeal body
<a href="#">9.</a>	Planning area defined by Minister
<a href="#">10.</a>	Planning area in unorganized territory
<a href="#">11.</a>	Body corporate
<a href="#">12.</a>	Estimates
<a href="#">13.</a>	Municipal grants
<a href="#">14.</a>	Duties of planning board
<a href="#">14.1</a>	Joint planning areas
<a href="#">14.2</a>	Municipal planning authority
<a href="#">14.3</a>	Finance
<a href="#">14.4</a>	Expansion
<a href="#">14.5</a>	Removal
<a href="#">14.6</a>	Dissolution
<a href="#">14.7</a>	Official plan
<a href="#">14.8</a>	Deemed council, municipality
<a href="#">15.</a>	Upper-tier municipalities, planning functions
<a href="#">15.</a>	Upper-tier municipalities, planning functions

**PART III**  
**OFFICIAL PLANS**

<a href="#">16.</a>	Official plan
<a href="#">16.1</a>	Prescribed process
<a href="#">17.</a>	Approvals
<a href="#">17.1</a>	Delegation of approval authority
<a href="#">18.</a>	Recommendation of plan
<a href="#">19.</a>	Unorganized territory
<a href="#">19.1</a>	Deemed council
<a href="#">20.</a>	Lodging of plan
<a href="#">21.</a>	Amendment or repeal of plan
<a href="#">22.</a>	Request for amendment
<a href="#">22.1</a>	Interpretation of transitional provisions
<a href="#">23.</a>	Matter of provincial interest affected by official plan
<a href="#">24.</a>	Public works and by-laws to conform with plan
<a href="#">25.</a>	Acquisition of lands in accordance with provisions of plan
<a href="#">26.</a>	Updating official plan
<a href="#">27.</a>	Amendments to conform to official plan

**PART IV**  
**COMMUNITY IMPROVEMENT**

<a href="#">28.</a>	Community improvement project area
<a href="#">29.</a>	Agreement re studies and development
<a href="#">30.</a>	Agreements for grants in aid of community improvement
<a href="#">32.</a>	Grants or loans for repairs
<a href="#">33.</a>	Demolition control area

**PART V**  
**LAND USE CONTROLS AND RELATED ADMINISTRATION**

<a href="#">34.</a>	Zoning by-laws
<a href="#">34.1</a>	Minister's order at request of municipality
<a href="#">35.</a>	No distinction on the basis of relationship
<a href="#">35.1</a>	Restrictions for residential units
<a href="#">35.2</a>	By-laws to give effect to inclusionary zoning policies
<a href="#">36.</a>	Holding provision by-law
<a href="#">37.</a>	Community benefits charges
<a href="#">37.1</a>	Transitional matters respecting repealed s. 37, etc.
<a href="#">38.</a>	Interim control by-law
<a href="#">39.</a>	Temporary use provisions
<a href="#">39.1</a>	Garden suites
<a href="#">39.2</a>	Minor by-laws — delegation
<a href="#">40.</a>	Agreement exempting owner from requirement to provide parking
<a href="#">41.</a>	Site plan control area
<a href="#">42.</a>	Conveyance of land for park purposes
<a href="#">43.</a>	Application of subss. 34 (12-34)
<a href="#">44.</a>	Committee of adjustment
<a href="#">45.</a>	Powers of committee
<a href="#">46.</a>	Mobile homes, land lease community homes
<a href="#">47.</a>	Power of Minister re zoning and subdivision control
<a href="#">48.</a>	Where licence, etc., not to issue
<a href="#">49.</a>	Power of entry
<a href="#">49.1</a>	Search warrant

**PART VI**  
**SUBDIVISION OF LAND**

<a href="#">50.</a>	Interpretation
<a href="#">50.1</a>	Division of land by will
<a href="#">51.</a>	Plan of subdivision approvals
<a href="#">51.1</a>	Parkland
<a href="#">51.2</a>	Delegation to committee or officer
<a href="#">52.</a>	Sale of lands in accordance with unregistered plan prohibited
<a href="#">53.</a>	Consents
<a href="#">54.</a>	Delegation of authority to give consents
<a href="#">55.</a>	District land division committee, delegation
<a href="#">56.</a>	Land division committee

<a href="#">57.</a>	Validation certificate
	<b><u>PART VII</u></b> <b><u>GENERAL</u></b>
<a href="#">58.</a>	Acquisition of land
<a href="#">59.</a>	Power to clear, grade, etc., lands acquired
<a href="#">60.</a>	Exchange of lands
<a href="#">61.</a>	Fair hearing
<a href="#">62.</a>	Not subject to Act
<a href="#">62.0.1</a>	Exempt undertakings
<a href="#">62.1</a>	Variation of notice requirements
<a href="#">63.</a>	Deemed compliance
<a href="#">64.</a>	Reporting on planning matters
<a href="#">65.</a>	Discretionary dispute resolution techniques
<a href="#">66.</a>	Effect where authority delegated
<a href="#">67.</a>	Penalty
<a href="#">67.1</a>	Proceeds of fines
<a href="#">68.</a>	Exception
<a href="#">69.</a>	Tariff of fees
<a href="#">69.1</a>	Fees
<a href="#">69.2</a>	Fees
<a href="#">70.</a>	General regulations, Lieutenant Governor in Council
<a href="#">70.1</a>	General regulations, Minister
<a href="#">70.2</a>	Regulations re development permit system
<a href="#">70.2.1</a>	Use of alternate terminology
<a href="#">70.2.2</a>	Orders re development permit system
<a href="#">70.3</a>	Regulations re sewage and water services
<a href="#">70.3.1</a>	Regulations re surety bonds and other instruments
<a href="#">70.4</a>	Regulations re transitional and other matters, 2004 amendments
<a href="#">70.5</a>	Regulations re transitional and other matters, 2006 amendments
<a href="#">70.6</a>	Regulations re transitional matters, 2015 amendments
<a href="#">70.7</a>	Regulations re transitional matters, 2016 amendments
<a href="#">70.8</a>	Regulations re transitional matters, 2017 amendments
<a href="#">70.9</a>	Regulations re transitional matters, 2018 amendments
<a href="#">70.10</a>	Regulations re transitional matters, 2019 amendments
<a href="#">70.11</a>	Regulations re periods of time during emergency
<a href="#">70.12</a>	Regulations re transitional matters, 2022 amendments
<a href="#">70.13</a>	Transition, upper-tier municipalities without planning responsibilities
<a href="#">71.</a>	Conflict
<a href="#">72.</a>	Repeal of joint official plans
<a href="#">72.1</a>	Continuation
<a href="#">73.</a>	Planning areas and boards dissolved
<a href="#">74.</a>	Transition
<a href="#">74.1</a>	Transition
<a href="#">75.</a>	Transition
<a href="#">76.</a>	Transition – residential units
<a href="#">77.</a>	County of Oxford

## **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”)

“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
  - (i) a municipality,
  - (ii) a municipal service board established under the *Municipal Act, 2001*,
  - (iii) a city board established under the *City of Toronto Act, 2006*,
  - (iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
  - (v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”)

“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
- (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”)

“specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) 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 relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)

“Tribunal” means the Ontario Land 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); 2021, c. 4, Sched. 6, s. 80 (2); 2022, c. 21, Sched. 9, s. 1 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definitions: (See: 2022, c. 21, Sched. 9, s. 1 (2))**

“upper-tier municipality without planning responsibilities” means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.

8. Any other upper-tier municipality that is prescribed under subsection (6); (“municipalité de palier supérieur sans responsabilités en matière d’aménagement”)

“upper-tier municipality with planning responsibilities” means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; (“municipalité de palier supérieur avec responsabilités en matière d’aménagement”)

#### **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) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1), 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); 2022, c. 21, Sched. 9, s. 1 (3).

#### **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).

#### **Limitation**

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27). 2022, c. 21, Sched. 9, s. 1 (4).

#### **Transition**

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal. 2022, c. 21, Sched. 9, s. 1 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following subsections: (See: 2022, c. 21, Sched. 9, s. 1 (5))**

#### **Limitation**

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).

2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27). 2022, c. 21, Sched. 9, s. 1 (5).

#### **Transition**

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 45 (12.2) or 53 (19.2) or (27.0.2). 2022, c. 21, Sched. 9, s. 1 (5).

#### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 1 (6))**

#### **Regulations, upper-tier municipality without planning responsibilities**

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1). 2022, c. 21, Sched. 9, 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  
 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

2020, c. 36, Sched. 6, s. 26 (1, 2) - no effect - see 2022, c. 21, Sched. 9, s. 24 - 28/11/2022

2021, c. 4, Sched. 6, s. 80 (2) - 01/06/2021

2022, c. 21, Sched. 9, s. 1 (1, 3) - 28/11/2022; 2022, c. 21, Sched. 9, s. 1 (2, 5, 6) - not in force; 2022, c. 21, Sched. 9, s. 1 (4) - 01/01/2023

### **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

### ***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 - 19/10/2021

## **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;
- (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,

- (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); 2019, c. 9, Sched. 12, s. 1 (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. 2019, c. 9, Sched. 12, s. 1 (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

2019, c. 9, Sched. 12, s. 1 (1, 2) - 03/09/2019

### **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.

### **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 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)**

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.

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (1) of the Act is amended by striking out “upper-tier municipality” and substituting “upper-tier municipality with planning responsibilities”. (See: 2022, c. 21, Sched. 9, s. 2 (1))

**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.

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (2) of the Act is amended by striking out “The council of a lower-tier municipality” at the beginning and substituting “The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities”. (See: 2022, c. 21, Sched. 9, s. 2 (2))

**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

2022, c. 21, Sched. 9, s. 2 (1, 2) - not in force

**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.

**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).

#### **Tribunal 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).

### **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

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).

## **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 Tribunal**

(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.

## **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.



## **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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 15 of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 3)**

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

**15** (1) The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act. 2022, c. 21, Sched. 9, s. 3.

#### **Same**

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally. 2022, c. 21, Sched. 9, s. 3.

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

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

2022, c. 21, Sched. 9, s. 3 - not in force

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

**Restrictions for residential units**

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
  - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 4 (1).

**Same, parking**

- (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

**Same, minimum unit size**

- (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

**Policies of no effect**

- (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2). 2022, c. 21, Sched. 9, s. 4 (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). 2019, c. 9, Sched. 12, s. 2 (2).

### **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. 2019, c. 9, Sched. 12, s. 2 (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,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (15) of the Act is amended by adding “or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities” after “single-tier municipality” in the portion before clause (a). (See: 2022, c. 21, Sched. 9, s. 4 (2))**

- (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,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (16) of the Act is amended by striking out "upper-tier municipality" in the portion before clause (a) and substituting "upper-tier municipality with planning responsibilities". (See: 2022, c. 21, Sched. 9, s. 4 (3))

- (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).

**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).

**Updating zoning by-laws**

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies. 2022, c. 21, Sched. 9, s. 4 (4).

**Same**

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
  - i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
  - ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1). 2022, c. 21, Sched. 9, s. 4 (4).

#### **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

2019, c. 9, Sched. 12, s. 2 (1, 2) - 03/09/2019

2022, c. 21, Sched. 9, s. 4 (1, 4) - 28/11/2022; 2022, c. 21, Sched. 9, s. 4 (2, 3) - not in force

#### **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).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (2) of the Act is amended by striking out “An upper-tier municipality” at the beginning and substituting “An upper-tier municipality with planning responsibilities”. (See: 2022, c. 21, Sched. 9, 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).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (4) of the Act is amended by striking out “an upper-tier municipality” and substituting “an upper-tier municipality with planning responsibilities”. (See: 2022, c. 21, Sched. 9, s. 5 (2))

(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).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (6) of the Act is amended by striking out “accompanied by a written explanation for it”. (See: 2022, c. 21, Sched. 9, s. 5 (3))

### **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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (12) of the Act is amended by striking out “accompanied by a written explanation for it”. (See: 2022, c. 21, Sched. 9, s. 5 (3))**

### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (13) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 5 (4))**

### **Mandatory adoption**

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

- (a) an upper-tier municipality with planning responsibilities;
- (b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and
- (c) any other local municipality that is prescribed for the purposes of this section. 2022, c. 21, Sched. 9, s. 5 (4)

### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (14) of the Act is amended by striking out “municipality not prescribed under subsection (13)” and substituting “local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)”. (See: 2022, c. 21, Sched. 9, s. 5 (5))**

### **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.

(24.0.1) REPEALED: 2019, c. 9, Sched. 12, s. 3 (1).

### **No appeal re additional residential unit policies**

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (6).

### **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. 2019, c. 9, Sched. 12, s. 3 (2).

### **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. 2019, c. 9, Sched. 12, s. 3 (2).

### **Exception re Minister**

(24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister. 2019, c. 9, Sched. 12, s. 3 (2).

### **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,
- (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
  - (c) be accompanied by the fee charged by the Tribunal. 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; 2019, c. 9, Sched. 12, s. 3 (3); 2021, c. 4, Sched. 6, s. 80 (1).

### **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. 2019, c. 9, Sched. 12, s. 3 (4).

### **Timing**

- (26) For the purposes of subsections (24) and (36), 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); 2019, c. 9, Sched. 12, s. 3 (5).

### **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).

#### **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 by the Tribunal 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); 2021, c. 4, Sched. 6, s. 80 (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
- (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 120th 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 120th 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); 2019, c. 9, Sched. 12, s. 3 (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 Tribunal**

(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.

(36.0.1) REPEALED: 2019, c. 9, Sched. 12, s. 3 (7).

#### **No appeal re additional residential unit policies**

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (7).

#### **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) (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. 2019, c. 9, Sched. 12, s. 3 (8).

#### **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. 2019, c. 9, Sched. 12, s. 3 (8).

#### **Exception re Minister**

(36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister. 2019, c. 9, Sched. 12, s. 3 (8).

#### **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
- (c) be accompanied by the fee charged by the Tribunal. 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; 2019, c. 9, Sched. 12, s. 3 (9); 2021, c. 4, Sched. 6, s. 80 (1).

### **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. 2019, c. 9, Sched. 12, s. 3 (10).

### **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,

- (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 Tribunal**

(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. 2019, c. 9, Sched. 12, s. 3 (11).

### **Notice to suspend time period**

(40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or public body that requested the amendment. 2022, c. 12, Sched. 5, s. 1.

### **Same**

(40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40). 2022, c. 12, Sched. 5, s. 1.

### **Same**

(40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded. 2022, c. 12, Sched. 5, s. 1.

### **Same, retroactive deemed notice**

(40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day,

- (a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and
- (b) the Minister shall be deemed to have given notice under subsection (40.1) on March 30, 2022. 2022, c. 12, Sched. 5, s. 1.

### **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 120 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 120th 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 120th 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); 2019, c. 9, Sched. 12, s. 3 (13).

#### **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-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); 2019, c. 9, Sched. 12, s. 3 (14).

#### **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 by the Tribunal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 81; 2021, c. 4, Sched. 6, s. 80 (1).

(41.1) REPEALED: 2019, c. 9, Sched. 12, s. 3 (15).

#### **Documents to Tribunal**

(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 by the Tribunal 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); 2021, c. 4, Sched. 6, s. 80 (1).

#### **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.

### **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. 2019, c. 9, Sched. 12, s. 3 (16).

### **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. 2019, c. 9, Sched. 12, s. 3 (16).

### **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. 2019, c. 9, Sched. 12, s. 3 (16).

### **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. 2019, c. 9, Sched. 12, s. 3 (16).

### **Conflict with SPPA**

(44.7) Subsections (44.1) to (44.6) apply despite the *Statutory Powers Procedure Act*. 2019, c. 9, Sched. 12, s. 3 (17).

### **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.
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 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. 2019, c. 9, Sched. 12, s. 3 (18); 2021, c. 4, Sched. 6, s. 80 (1).

#### **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 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22); 2019, c. 9, Sched. 12, s. 3 (19).

#### **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); 2019, c. 9, Sched. 12, s. 3 (20).

(49.1)-(49.12) REPEALED: 2019, c. 9, Sched. 12, s. 3 (21).

#### **Powers of Tribunal**

(50) On an appeal 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); 2019, c. 9, Sched. 12, s. 3 (22).

#### **Same**

(50.1) For greater certainty, subsection (50) does not give the Tribunal power to approve or modify any part of the plan that,

- (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); 2019, c. 9, Sched. 12, s. 3 (23).

#### **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 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); 2019, c. 9, Sched. 12, s. 3 (24).

#### **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. 2019, c. 9, Sched. 12, s. 3 (25).

#### **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).

#### **Referral to Tribunal for recommendation**

(55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation. 2022, c. 12, Sched. 5, s. 1.

#### **Record to Tribunal**

(56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal. 2022, c. 12, Sched. 5, s. 1.

#### **Recommendation**

(57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation. 2022, c. 12, Sched. 5, s. 1.

#### **Hearing or other proceeding by Tribunal**

(58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. 2022, c. 12, Sched. 5, s. 1.

#### **Copy of recommendation**

(59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation. 2022, c. 12, Sched. 5, s. 1.

#### **Decision on plan**

(60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34). 2022, c. 12, Sched. 5, s. 1.

#### **Referral to Tribunal for decision**

(61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision. 2022, c. 12, Sched. 5, s. 1.

#### **Hearing by Tribunal**

(62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. 2022, c. 12, Sched. 5, s. 1.

### **Decision by Tribunal**

(63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61). 2022, c. 12, Sched. 5, s. 1.

### **Referral of matters in process**

(64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34). 2022, c. 12, Sched. 5, s. 1.

### **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

2019, c. 9, Sched. 12, s. 3 (1-25) - 03/09/2019

2021, c. 4, Sched. 6, s. 80 (1) - 01/06/2021

2022, c. 12, Sched. 5, s. 1 - 14/04/2022; 2022, c. 21, Sched. 9, s. 5 (1-5) - not in force; 2022, c. 21, Sched. 9, s. 5 (6, 7) - 28/11/2022

### **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.

### **Conditions**

(2) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council by 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.

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

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

#### **Deemed council**

**19.1** Sections 34, 35 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; 2022, c. 12, Sched. 5, s. 2.

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

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

2022, c. 12, Sched. 5, s. 2 - 14/04/2022

#### **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) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or
- (b) a revision that is adopted in accordance with section 26. 2022, c. 12, Sched. 5, s. 3.

#### **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

2022, c. 12, Sched. 5, s. 3 - 14/04/2022

#### **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,

- (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).

(2.1)-(2.1.2) REPEALED: 2022, c. 21, Sched. 9, s. 6 (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 (2.1.3) 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); 2022, c. 21, Sched. 9, s. 6 (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).

**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 Tribunal**

(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:

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.

(7.0.0.1), (7.0.0.2) REPEALED: 2019, c. 9, Sched. 12, s. 4 (1).

#### **Consolidated hearing**

(7.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal 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. 2021, c. 4, Sched. 6, s. 80 (3).

#### **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 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 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); 2019, c. 9, Sched. 12, s. 4 (2).

(7.0.2.1) REPEALED: 2019, c. 9, Sched. 12, s. 4 (3).

#### **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).

#### **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;
- (c) amend or revoke policies adopted to authorize the use of,
  - (i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,
  - (ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or
  - (iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (d) authorize a renewable energy undertaking. 2006, c. 23, s. 11 (6); 2011, c. 6, Sched. 2, s. 4; 2018, c. 16, s. 8 (5); 2022, c. 21, Sched. 9, s. 6 (3).

#### **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), (a.2) REPEALED: 2019, c. 9, Sched. 12, s. 4 (4)

- (b) be accompanied by the fee charged by the Tribunal. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81; 2019, c. 9, Sched. 12, s. 4 (4); 2021, c. 4, Sched. 6, s. 80 (1).

### **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).

### **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;
- (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). 2019, c. 9, Sched. 12, s. 4 (5).

(11.0.1)-(11.0.19) REPEALED: 2019, c. 9, Sched. 12, s. 4 (5).

### **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 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); 2019, c. 9, Sched. 12, s. 4 (6).

### **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. 2019, c. 9, Sched. 12, s. 4 (7).

### **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).

### **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) - 01/06/2019

2019, c. 9, Sched. 12, s. 4 (1-7) - 03/09/2019

2021, c. 4, Sched. 6, s. 80 (1, 3) - 01/06/2021

2022, c. 21, Sched. 9, s. 6 (1-3) - 28/11/2022

### **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) The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest. 2022, c. 21, Sched. 9, s. 7.

### **Effect of order**

(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. 2022, c. 21, Sched. 9, s. 7.

### **Non-application of *Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2022, c. 21, Sched. 9, s. 7.

#### **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

2022, c. 21, Sched. 9, s. 7 - 06/04/2023

#### **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)**

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.

**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, 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; 2019, c. 9, Sched. 12, s. 5.

#### **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 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

2019, c. 9, Sched. 12, s. 5 - 03/09/2019

### **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 Tribunal**

(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 Tribunal**

(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 Tribunal**

(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.

### **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).

#### **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).

(10.0.0.1), (10.0.0.2) REPEALED: 2022, c. 21, Sched. 9, s. 8 (1).

#### **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) or (11.0.0.1), as the case may be, does not begin. 2006, c. 23, s. 15 (4); 2022, c. 12, Sched. 5, s. 4 (1).

#### **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).

## **Refund of fee**

(10.12) With respect to an application received on or after the day subsection 4 (2) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the application in accordance with the following rules:

1. If the municipality makes a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee.
2. If the municipality fails to make a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 50 per cent of the fee.
3. If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee.
4. If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee. 2022, c. 12, Sched. 5, s. 4 (2).

## **Appeal to Tribunal**

(11) Subject to subsection (11.0.0.0.1), 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 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 by the Tribunal:

1. The applicant.
2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1); 2019, c. 9, Sched. 12, s. 6 (1); 2021, c. 4, Sched. 6, s. 80 (1).

## **Same, where amendment to official plan required**

(11.0.0.0.1) 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) may be made only if the application is refused or the council fails to make a decision on it within 120 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1); 2019, c. 9, Sched. 12, s. 6 (2).

(11.0.0.0.2)-(11.0.0.0.5) REPEALED: 2019, c. 9, Sched. 12, s. 6 (3).

## **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 hearing**

(11.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal 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. 2021, c. 4, Sched. 6, s. 80 (4).

(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).

#### **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),

- (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 Tribunal**

(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 charged by the Tribunal:

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); 2019, c. 9, Sched. 12, s. 6 (4); 2021, c. 4, Sched. 6, s. 80 (1).

**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. 2019, c. 9, Sched. 12, s. 6 (5).

(19.0.2) REPEALED: 2019, c. 9, Sched. 12, s. 6 (5).

#### **No appeal re additional residential unit by-laws**

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 8 (2).

#### **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 (19.9), 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); 2022, c. 21, Sched. 9, s. 8 (3).

#### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 34 (19.6) of the Act is amended by striking out “lower-tier municipality only if the municipality’s official plan” and substituting “lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality’s official plan”. (See: 2022, c. 21, Sched. 9, s. 8 (4))**

#### **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).

**Exception re non-compliance with s. 16 (20)**

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection. 2022, c. 21, Sched. 9, s. 8 (5).

**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).

**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).

#### **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.

#### **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. 2019, c. 9, Sched. 12, s. 6 (6).

#### **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. 2019, c. 9, Sched. 12, s. 6 (6).

#### **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. 2019, c. 9, Sched. 12, s. 6 (6).



### **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. 2019, c. 9, Sched. 12, s. 6 (6).

### **Conflict with SPPA**

(24.7) Subsections (24.1) to (24.6) apply despite the *Statutory Powers Procedure Act*. 2019, c. 9, Sched. 12, s. 6 (7).

### **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
  - 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 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. 2019, c. 9, Sched. 12, s. 6 (8); 2021, c. 4, Sched. 6, s. 80 (1).

### **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 of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12); 2019, c. 9, Sched. 12, s. 6 (9).

### **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 Tribunal**

(26) The Tribunal may,

- (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. 2019, c. 9, Sched. 12, s. 6 (10).

(26.1)-(26.13) REPEALED: 2019, c. 9, Sched. 12, s. 6 (10).

### **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 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); 2019, c. 9, Sched. 12, s. 6 (11).

### **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. 2019, c. 9, Sched. 12, s. 6 (12).

### **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 or amended under subsection (26) 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); 2019, c. 9, Sched. 12, s. 6 (13).

### **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

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) - 01/06/2019  
2019, c. 9, Sched. 12, s. 6 (1-13) - 03/09/2019  
2021, c. 4, Sched. 6, s. 80 (1, 4) - 01/06/2021  
2022, c. 12, Sched. 5, s. 4 (1) - 14/04/2022; 2022, c. 12, Sched. 5, s. 4 (2) - 01/01/2023; 2022, c. 21, Sched. 9, s. 8 (1-3, 5) - 28/11/2022;  
2022, c. 21, Sched. 9, s. 8 (4) - not in force

### **Minister's order at request of municipality**

#### **Request for order**

- 34.1** (1) The council of a municipality may pass a resolution requesting that the Minister,
- (a) make an order that involves the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law; or
  - (b) amend an order made under subsection (9) of this section. 2022, c. 12, Sched. 5, s. 5.

#### **No delegation**

- (2) A council may not delegate its powers under subsection (1). 2022, c. 12, Sched. 5, s. 5.

#### **Content of resolution**

- (3) A resolution referred to in clause (1) (a) shall identify,
- (a) the lands to which the requested order would apply; and
  - (b) the manner in which the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law, would be exercised in respect to the lands. 2022, c. 12, Sched. 5, s. 5.

#### **Same**

- (4) A resolution referred to in clause (1) (b) shall identify the requested amendments to the order. 2022, c. 12, Sched. 5, s. 5.

#### **Same**

- (5) For greater certainty, the inclusion of a draft by-law with the resolution shall be deemed to satisfy the requirements of clause (3) (b) or subsection (4), as the case may be. 2022, c. 12, Sched. 5, s. 5.

#### **Consultation**

- (6) Before passing a resolution referred to in subsection (1), the municipality shall,
- (a) give notice to the public in such manner as the municipality considers appropriate; and
  - (b) consult with such persons, public bodies and communities as the municipality considers appropriate. 2022, c. 12, Sched. 5, s. 5.

#### **Forwarding to Minister**

- (7) Within 15 days after passing a resolution referred to in subsection (1), the municipality shall forward to the Minister,
- (a) a copy of the resolution;
  - (b) a description of the consultation undertaken pursuant to clause (6) (b);
  - (c) a description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the requested order could be established; and
  - (d) any prescribed information and material. 2022, c. 12, Sched. 5, s. 5.

### **Other information**

(8) The Minister may require the council to provide such other information or material that the Minister considers necessary. 2022, c. 12, Sched. 5, s. 5.

### **Orders**

(9) The Minister may make an order,

- (a) upon receiving a request from a municipality under subsection (1), exercising the municipality's powers under section 34, or that may be exercised in a development permit by-law, in the manner requested by the municipality with such modifications as the Minister considers appropriate; and
- (b) upon receiving a request from the municipality or at such other time as the Minister considers advisable, amending the order made under clause (a). 2022, c. 12, Sched. 5, s. 5.

### **Lands covered by orders**

(10) An order under subsection (9) shall apply to the lands requested by the municipality with such modifications as the Minister considers appropriate. 2022, c. 12, Sched. 5, s. 5.

### **Non-application to Greenbelt Area**

(11) An order under subsection (9) may not be made in respect of any land in the Greenbelt Area. 2022, c. 12, Sched. 5, s. 5.

### **Non-application to order**

(12) Despite any Act or regulation, the following do not apply to the making of an order under subsection (9):

1. A policy statement issued under subsection 3 (1).
2. A provincial plan.
3. An official plan. 2022, c. 12, Sched. 5, s. 5.

### **Conditions**

(13) The Minister may, in an order under subsection (9), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable. 2022, c. 12, Sched. 5, s. 5.

### **Same**

(14) When a condition is imposed under subsection (13),

- (a) the Minister or the municipality in which the land in the order is situate may require an owner of the land to which the order applies to enter into an agreement with the Minister or the municipality, as the case may be;
- (b) the agreement may be registered against the land to which it applies; and
- (c) the Minister or the municipality, as the case may be, 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. 2022, c. 12, Sched. 5, s. 5.

### **Application of subs. (12) to licences, etc.**

(15) If a licence, permit, approval, permission or other matter is required before a use permitted by an order under subsection (9) may be established and the resolution referred to in subsection (1) includes a request that the Minister act under this subsection, the Minister may, in an order under subsection (9), provide that subsection (12) applies, with necessary modifications, to such licence, permit, approval, permission or other matter. 2022, c. 12, Sched. 5, s. 5.

### **Coming into force**

(16) An order made under subsection (9) comes into force in accordance with the following rules:

1. If no condition has been imposed under subsection (13), the order comes into force on the day the order is made or on such later day as is specified in the order.
2. If a condition has been imposed under subsection (13), the order comes into force on the later of,
  - i. the day the Minister gives notice to the clerk of the municipality that the Minister is satisfied that all conditions have been or will be fulfilled, and
  - ii. the day specified in the order. 2022, c. 12, Sched. 5, s. 5.

**Copy of order to clerk**

(17) After making an order under subsection (9), the Minister shall provide a copy of the order to the clerk of the municipality in which the land in the order is situate. 2022, c. 12, Sched. 5, s. 5.

**Same, conditions fulfilled**

(18) When the Minister gives notice to the clerk for the purposes of subparagraph 2 i of subsection (16), the Minister shall provide a copy of the order that does not include the conditions imposed under subsection (13). 2022, c. 12, Sched. 5, s. 5.

**Same, not revocation**

(19) For greater certainty, the provision of a copy of the order that does not include the conditions imposed under subsection (13) is not a revocation of the order originally provided to the clerk. 2022, c. 12, Sched. 5, s. 5.

**Publication and availability**

(20) The following publication rules apply with respect to an order under subsection (9):

1. Within 15 days after receiving a copy of the order pursuant to subsection (17) or (18), as the case may be, the clerk shall,
  - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
  - ii. make the order available to the public in accordance with the regulations, if any.
2. The clerk shall ensure that the order remains available to the public until such time as the order is revoked.
3. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website. 2022, c. 12, Sched. 5, s. 5.

**Revocation order**

(21) The Minister may, by order, revoke an order under subsection (9). 2022, c. 12, Sched. 5, s. 5.

**Copy of revocation order to clerk**

(22) The Minister shall provide a copy of an order under subsection (21) to the clerk of the municipality in which the land is situate. 2022, c. 12, Sched. 5, s. 5.

**Publication of revocation order**

(23) The following publication rules apply with respect to an order under subsection (21):

1. Within 15 days after receiving a copy of the order pursuant to subsection (22), the clerk shall,
  - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
  - ii. make the order available to the public in accordance with the regulations, if any.
2. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website. 2022, c. 12, Sched. 5, s. 5.

**Conflict**

(24) In the event of a conflict between an order under subsection (9) and a by-law under section 34 or 38 or a predecessor of those sections, the order prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect. 2022, c. 12, Sched. 5, s. 5.

**Guidelines**

(25) Before an order may be issued under subsection (9), the Minister must establish guidelines respecting orders under subsection (9) and publish the guidelines in accordance with subsection (26). 2022, c. 12, Sched. 5, s. 5.

**Same, publishing**

(26) The Minister shall publish and maintain the guidelines established under subsection (25) on a website of the Government of Ontario. 2022, c. 12, Sched. 5, s. 5.

**Same, content**

(27) Guidelines under subsection (25) may be general or particular in application and may, among other matters, restrict orders to certain geographic areas or types of development. 2022, c. 12, Sched. 5, s. 5.

### **Non-application of *Legislation Act, 2006*, Part III**

(28) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under subsection (9) or (21) or to a guideline under subsection (25). 2022, c. 12, Sched. 5, s. 5.

### **Deemed zoning by-law**

(29) An order under subsection (9) that has come into force is deemed to be a by-law passed under section 34 for the purposes of the following:

1. Subsections 34 (9), 41 (3) and 47 (3) of this Act.
2. Sections 46, 49, 67 and 67.1 of this Act.
3. Subsection 114 (3) of the *City of Toronto Act, 2006*.
4. The *Building Code Act, 1992*.
5. Any other prescribed Act, regulation or provision of an Act or regulation. 2022, c. 12, Sched. 5, s. 5.

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

2022, c. 12, Sched. 5, s. 5 - 14/04/2022

### **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

### **Restrictions for residential units**

**35.1** (1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.

### **Same, parking**

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.

**Same, minimum area**

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.

**Provisions of no effect**

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section. 2022, c. 21, Sched. 9, s. 9.

**Regulations**

(2) The Minister may make regulations establishing requirements and standards with respect to,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.

**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)**

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

2022, c. 21, Sched. 9, s. 9 - 28/11/2022

**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. 2019, c. 9, Sched. 12, s. 7.

**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

2019, c. 9, Sched. 12, s. 7 - 03/09/2019

**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 Tribunal**

(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 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); 2019, c. 9, Sched. 12, s. 8 (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 s. 34 (10.7, 10.9-25.1)**

(4) Subsections 34 (10.7) and (10.9) to (25.1) 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); 2019, c. 9, Sched. 12, s. 8 (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 specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*; (“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”) 2020, c. 18, Sched. 17, s. 1.

### **Community benefits charge by-law**

(2) The council of a local 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. 2020, c. 18, Sched. 17, s. 1.

### **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. 2020, c. 18, Sched. 17, s. 1.

### **Excluded development or redevelopment**

(4) A community benefits charge may not be imposed with respect to,

- (a) development of a proposed building or structure with fewer than five storeys at or above ground;
- (b) development of a proposed building or structure with fewer than 10 residential units;
- (c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- (d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- (e) such types of development or redevelopment as are prescribed. 2020, c. 18, Sched. 17, s. 1.

### **Community benefits charge — relationship to development charge, etc.**

(5) For greater certainty, nothing in this Act prevents a community benefits charge from being imposed with respect to land for park or other public recreational purposes or with respect to the services listed in subsection 2 (4) of the *Development Charges Act, 1997*, provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law or from the special account referred to in subsection 42 (15). 2020, c. 18, Sched. 17, s. 1.

### **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. 2020, c. 18, Sched. 17, s. 1.

**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. 2020, c. 18, Sched. 17, s. 1.

**Agreement re facilities, services or matters**

(7.1) If the municipality intends to allow an owner of land to provide facilities, services or matters in accordance with subsection (6), the municipality may require the owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters. 2022, c. 21, Sched. 9, s. 10 (1).

**Registration of agreement**

(7.2) An agreement entered into under subsection (7.1) 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. 2022, c. 21, Sched. 9, s. 10 (1).

**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. 2020, c. 18, Sched. 17, s. 1.

**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. 2020, c. 18, Sched. 17, s. 1.

**Consultation**

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate. 2020, c. 18, Sched. 17, s. 1.

**Commencement of by-law**

(11) A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later. 2020, c. 18, Sched. 17, s. 1.

**Limitation**

(12) Only one community benefits charge by-law may be in effect in a local municipality at a time. 2020, c. 18, Sched. 17, s. 1.

**Notice of by-law and time for appeal**

(13) The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed. 2020, c. 18, Sched. 17, s. 1.

**Requirements of notice**

(14) Notices required under subsection (13) must meet the prescribed requirements and shall be given in accordance with the regulations. 2020, c. 18, Sched. 17, s. 1.

**Same**

(15) Every notice required under subsection (13) must be given no later than 20 days after the day the by-law is passed. 2020, c. 18, Sched. 17, s. 1.

**When notice given**

(16) A notice required under subsection (13) is deemed to have been given on the prescribed day. 2020, c. 18, Sched. 17, s. 1.

**Appeal of by-law after passed**

(17) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection. 2020, c. 18, Sched. 17, s. 1.

### **Clerk's duties on appeal**

(18) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the community benefits charge strategy;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed. 2020, c. 18, Sched. 17, s. 1.

### **Same**

(19) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal. 2020, c. 18, Sched. 17, s. 1.

### **Affidavit, declaration conclusive evidence**

(20) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration. 2020, c. 18, Sched. 17, s. 1.

### **Tribunal hearing of appeal**

(21) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality. 2020, c. 18, Sched. 17, s. 1.

### **Notice of hearing**

(22) The Tribunal shall determine who shall be given notice of the hearing and in what manner. 2020, c. 18, Sched. 17, s. 1.

### **Powers of Tribunal**

(23) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or
- (c) repeal or amend the by-law in such manner as the Tribunal may determine. 2020, c. 18, Sched. 17, s. 1.

### **Limitation on powers**

(24) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of a community benefits charge that will be payable in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law;
- (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or
- (d) change the date, if any, the by-law will expire. 2020, c. 18, Sched. 17, s. 1.

### **Dismissal without hearing**

(25) Despite subsection (21), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal. 2020, c. 18, Sched. 17, s. 1.

### **When Tribunal ordered repeals, amendments effective**

(26) The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force. 2020, c. 18, Sched. 17, s. 1.

### **Refunds if Tribunal repeals by-law, etc.**

(27) If the Tribunal repeals or amends a community benefits charge by-law, or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

- (a) in the case of a repeal, any community benefits charge paid under the by-law; or
- (b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended. 2020, c. 18, Sched. 17, s. 1.

**When refund due**

- (28) If a municipality is required to make a refund under subsection (27), it shall do so,
- (a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal’s order; or
  - (b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council. 2020, c. 18, Sched. 17, s. 1.

**Interest**

(29) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded. 2020, c. 18, Sched. 17, s. 1.

**Application of specified provisions to by-law amendments**

(30) Subsections (9) to (11) and (13) to (29) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal. 2020, c. 18, Sched. 17, s. 1.

**Limitation of Tribunal powers**

(31) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment. 2020, c. 18, Sched. 17, s. 1.

**Maximum amount of community benefits charge**

(32) 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, multiplied by the ratio of “A” to “B” where,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 37 (32) of the Act is amended by adding “Subject to subsection (32.1),” at the beginning. (See: 2022, c. 21, Sched. 9, s. 10 (2))**

“A” is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

“B” is the floor area of all buildings and structures that will be on the land after the development or redevelopment. 2022, c. 21, Sched. 9, s. 10 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 37 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 10 (4))**

**Discount**

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

“A” is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the floor area of all buildings that are part of the development or redevelopment. 2022, c. 21, Sched. 9, s. 10 (4).

**Payment under protest and appraisal provided by owner**

(33) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (32), 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. 2020, c. 18, Sched. 17, s. 1.

**No appraisal under subs. (33) (b)**

(34) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (33) (b), the payment is deemed not to have been made under protest. 2020, c. 18, Sched. 17, s. 1.

### **Appraisal provided by the municipality**

(35) If the municipality disputes the value of the land identified in the appraisal referred to in clause (33) (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. 2020, c. 18, Sched. 17, s. 1.

### **No appraisal under subs. (35)**

(36) If the municipality does not provide an appraisal in accordance with subsection (35), 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 (32) based on the value of the land identified in the appraisal referred to in clause (33) (b). 2020, c. 18, Sched. 17, s. 1.

### **Appraisal under subs. (35) within 5%**

(37) If the municipality provides an appraisal in accordance with subsection (35) 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 (33) (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 (32) based on the value of the land identified in the appraisal referred to in clause (33) (b) or subsection (35), whichever identifies the higher value of the land. 2020, c. 18, Sched. 17, s. 1.

### **Appraisal under subs. (35) not within 5%**

(38) If the municipality provides an appraisal in accordance with subsection (35) 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 (33) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (42) prepare an appraisal of the value of the land as of the valuation date. 2020, c. 18, Sched. 17, s. 1.

### **Time period for appraisal referred to in subs. (38)**

(39) The municipality shall provide the owner with the appraisal referred to in subsection (38) within the prescribed time period. 2020, c. 18, Sched. 17, s. 1.

### **Appraisal under subs. (38)**

(40) If an appraisal is prepared in accordance with subsection (38), 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 (32) based on the value of the land identified in the appraisal referred to in subsection (38). 2020, c. 18, Sched. 17, s. 1.

### **Non-application of subs. (36), (37) and (40)**

(41) For greater certainty, a refund is not required under subsection (36), (37) or (40) if the maximum amount determined in accordance with subsection (32), 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. 2020, c. 18, Sched. 17, s. 1.

### **List of appraisers**

(42) 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 (38). 2020, c. 18, Sched. 17, s. 1.

### **Same**

(43) A municipality shall maintain the list referred to in subsection (42) 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 (40). 2020, c. 18, Sched. 17, s. 1.

### **No building without payment**

(44) 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. 2020, c. 18, Sched. 17, s. 1.

#### **Special account**

(45) All money received by the municipality under a community benefits charge by-law shall be paid into a special account. 2020, c. 18, Sched. 17, s. 1.

#### **Investments**

(46) 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. 2020, c. 18, Sched. 17, s. 1.

#### **Requirement to spend or allocate monies in special account**

(47) 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. 2020, c. 18, Sched. 17, s. 1.

#### **Reports and information**

(48) 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. 2020, c. 18, Sched. 17, s. 1.

#### **Application of subs. (51)**

(49) Subsection (51) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.
2. A reserve fund established by a local municipality in accordance with section 33 of the *Development Charges Act, 1997* for any service other than the services described in paragraphs 1 to 20 of subsection 2 (4) of the *Development Charges Act, 1997*. 2020, c. 18, Sched. 17, s. 1.

#### **Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997***

(50) Despite subsection (49), subsection (51) does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection (2); and
- (b) the specified date. 2020, c. 18, Sched. 17, s. 1.

#### **Transition respecting special account and reserve fund described in subs. (49)**

(51) The following rules apply with respect to a special account or reserve fund to which this subsection applies:

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 (45).
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 (45). 2020, c. 18, Sched. 17, s. 1.

#### **Credit under s. 38 of *Development Charges Act, 1997***

(52) 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 services other than the services described in paragraphs 1 to 20 of subsection 2 (4) 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. 2020, c. 18, Sched. 17, s. 1.

**Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997***

(53) Subsection (52) does not apply with respect to a credit that relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the date the municipality passes the community benefits charge by-law. 2020, c. 18, Sched. 17, s. 1.

**Regular review of by-law**

(54) If a community benefits charge by-law is in effect in a local municipality, the municipality shall ensure that a review of the by-law is undertaken to determine the need for a revision of the by-law. 2022, c. 12, Sched. 5, s. 6.

**Same, consultation**

(55) In undertaking the review required under subsection (54), the municipality shall consult with such persons and public bodies as the municipality considers appropriate. 2022, c. 12, Sched. 5, s. 6.

**Resolution re need for revision**

(56) After conducting a review under subsection (54), the council shall pass a resolution declaring whether a revision to the by-law is needed. 2022, c. 12, Sched. 5, s. 6.

**Timing of review**

(57) A resolution under subsection (56) shall be passed at the following times:

1. Within five years after the by-law was first passed.
2. If more than five years have passed since the by-law was first passed, within five years after the previous resolution was passed pursuant to subsection (56). 2022, c. 12, Sched. 5, s. 6.

**Notice**

(58) Within 20 days of passing a resolution pursuant to subsection (56), the council shall give notice, on the website of the municipality, of the council's determination regarding whether a revision to the by-law is needed. 2022, c. 12, Sched. 5, s. 6.

**Failure to pass resolution**

(59) If the council does not pass a resolution pursuant to subsection (56) within the relevant time period set out in subsection (57), the by-law shall be deemed to have expired on the day that is five years after the by-law was passed or five years after the previous resolution was passed pursuant to subsection (56), as the case may be. 2022, c. 12, Sched. 5, s. 6.

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

2015, c. 26, s. 27 - 01/07/2016

2019, c. 9, Sched. 12, s. 9 - no effect - see 2020, c. 18, Sched. 17, s. 6 - 21/07/2020; 2019, c. 15, Sched. 31, s. 1 (1, 2) - no effect - see: 2020, c. 18, Sched. 17, s. 7 - 21/07/2020

2020, c. 18, Sched. 17, s. 1 - 18/09/2020

2022, c. 12, Sched. 5, s. 6 - 14/04/2022; 2022, c. 21, Sched. 9, s. 10 (1, 3) - 28/11/2022; 2022, c. 21, Sched. 9, s. 10 (2, 4) - not in force

**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 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force. (“date d’effet”) 2020, c. 18, Sched. 17, s. 1.

**Continued application of repealed s. 37 (1) to (5)**

(2) Despite their repeal by section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, 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 (45). 2020, c. 18, Sched. 17, s. 1.

#### **By-law described in repealed s. 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 (45).
3. 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. 2020, c. 18, Sched. 17, s. 1.

#### **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. 2020, c. 18, Sched. 17, s. 1.

#### **Applicable date**

(5) The applicable date referred to in subsections (2), (3) and (4) is the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection 37 (2); and
- (b) the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*. 2020, c. 18, Sched. 17, s. 1.

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

2019, c. 9, Sched. 12, s. 10 - no effect - see 2020, c. 18, Sched. 17, s. 6 - 21/07/2020; 2019, c. 15, Sched. 31, s. 2 - no effect - see 2020, c. 18, Sched. 17, s. 7 - 21/07/2020

2020, c. 18, Sched. 17, s. 1 - 18/09/2020

#### **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 Tribunal 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 Tribunal 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 with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2); 2019, c. 9, Sched. 12, s. 11.

### **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

2019, c. 9, Sched. 12, s. 11 - 03/09/2019

### **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

### **Minor by-laws — delegation**

**39.2** (1) Subject to subsection (2), the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to,

- (a) a committee of council; or
- (b) an individual who is an officer, employee or agent of the municipality. 2021, c. 34, Sched. 19, s. 1.

### **Official plan requirement**

(2) Subsection (1) does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection. 2021, c. 34, Sched. 19, s. 1.

### **Same**

(3) Without limiting the generality of the meaning of a by-law passed under section 34 that is of a minor nature, such by-laws may include,

- (a) a by-law to remove a holding symbol; and
- (b) a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1). 2021, c. 34, Sched. 19, s. 1.

### **Conditions**

(4) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council, by by-law, provides. 2021, c. 34, Sched. 19, s. 1.

### **Withdrawal of delegation**

(5) 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 by-laws in respect of which a final disposition was not made before the withdrawal. 2021, c. 34, Sched. 19, s. 1.

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

2021, c. 34, Sched. 19, s. 1 - 02/12/2021

### **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,

- (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).

#### **Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units. 2022, c. 21, Sched. 9, s. 11 (1).

#### **Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units. 2022, c. 21, Sched. 9, s. 11 (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 situate 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 may, by by-law, require applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4). 2022, c. 12, Sched. 5, s. 7 (1).

#### **Same**

(3.2) Where a by-law referred to in subsection (3.1) does not apply, the municipality shall permit applicants to consult with the municipality as described in that subsection. 2022, c. 12, Sched. 5, s. 7 (1).

#### **Prescribed information**

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality. 2022, c. 12, Sched. 5, s. 7 (1).

#### **Other information**

(3.4) A municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2022, c. 12, Sched. 5, s. 7 (1).

#### **Refusal and timing**

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

- (a) the municipality may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection (12) of this section does not begin. 2022, c. 12, Sched. 5, s. 7 (1).

#### **Response re completeness of application**

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be. 2022, c. 12, Sched. 5, s. 7 (1).

#### **Motion re dispute**

(3.7) Within 30 days after a negative notice is given under subsection (3.6), the applicant or municipality may make a motion for directions to have the Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or

(b) whether a requirement made under subsection (3.4) is reasonable. 2022, c. 12, Sched. 5, s. 7 (1).

**Same**

(3.8) If the municipality does not give any notice under subsection (3.6), the applicant may make a motion under subsection (3.7) at any time after the 30-day period described in subsection (3.6) has elapsed. 2022, c. 12, Sched. 5, s. 7 (1).

**Final determination**

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review. 2022, c. 12, Sched. 5, s. 7 (1).

**Approval of plans or drawings**

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person 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 fewer than 25 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 building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,
- (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; 2022, c. 12, Sched. 5, s. 7 (2); 2022, c. 21, Sched. 9, s. 11 (2).

**Authorized person**

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4). 2022, c. 12, Sched. 5, s. 7 (3).

**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.
- 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).
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); 2022, c. 21, Sched. 9, s. 11 (3).

## **Same**

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands. 2022, c. 21, Sched. 9, s. 11 (4).

## **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 fewer than 25 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).

## **Proviso**

(6) Nothing in this section shall be deemed to confer on 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); 2022, c. 12, Sched. 5, s. 7 (4).

## **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 curbs 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 curbings 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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 41 (9) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 11 (5))**

#### **Limitations on requirement to widen highway**

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening 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. 2022, c. 21, Sched. 9, s. 11 (5).

#### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 41 (9.1) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 11 (6))**

#### **Limitations on requirement to convey land**

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan. 2022, c. 21, Sched. 9, s. 11 (6).

#### **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).

#### **Refund**

(11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee.
2. If the municipality has not approved the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee.
3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee.
4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee. 2022, c. 12, Sched. 5, s. 7 (5).

#### **Appeal to Tribunal re approval of plans or drawings**

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 60 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 by the Tribunal. 2017, c. 23, Sched. 3, s. 13 (1); 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 12, Sched. 5, s. 7 (6).

#### **Appeal to Tribunal 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 by the Tribunal. 2017, c. 23, Sched. 3, s. 13 (1); 2021, c. 4, Sched. 6, s. 80 (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, 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). 2022, c. 12, Sched. 5, s. 7 (7).

## **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).

## **Transition**

(15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day. 2022, c. 12, Sched. 5, s. 7 (8).

## **Same**

(15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022. 2022, c. 12, Sched. 5, s. 7 (9).

## **Same**

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

- (a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;
- (b) paragraph 1.1 of subsection (4.1) does not apply; and
- (c) subsection (4.1.1) does not apply. 2022, c. 21, Sched. 9, s. 11 (7).

## **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

2021, c. 4, Sched. 6, s. 80 (1) - 01/06/2021

2022, c. 12, Sched. 5, s. 7 (1, 4, 6, 8) - 14/04/2022; 2022, c. 12, Sched. 5, s. 7 (2, 3, 7, 9) - 01/07/2022; 2022, c. 12, Sched. 5, s. 7 (5) - 01/01/2023; 2022, c. 21, Sched. 9, s. 11 (1-4, 7) - 28/11/2022; 2022, c. 21, Sched. 9, s. 11 (5, 6) - not in force

## **Conveyance of land for park purposes**

### **Definitions**

**42** (0.1) In this section,

“effective date” means July 1, 2016. (“date d’effet”) 2015, c. 26, s. 28 (1); 2020, c. 18, Sched. 17, s. 2 (1); 2022, c. 21, Sched. 9, s. 12 (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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning. (See: 2022, c. 21, Sched. 9, s. 12 (2))**

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 12 (3))**

#### **Same, affordable residential units**

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (3).

#### **Exception, non-profit housing development**

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*. 2022, c. 21, Sched. 9, s. 12 (4).

#### **Non-application, residential units**

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 12 (5).

#### **Commencement of by-law**

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later. 2020, c. 18, Sched. 17, s. 2 (2).

#### **When requirement determined**

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or
- (c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued. 2022, c. 21, Sched. 9, s. 12 (6).

#### **Same, if by-law not in effect**

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be. 2022, c. 21, Sched. 9, s. 12 (6).

### **Same, more than one application**

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1). 2022, c. 21, Sched. 9, s. 12 (6).

### **Exception, time elapsed**

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved. 2022, c. 21, Sched. 9, s. 12 (6).

### **Transition**

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force. 2022, c. 21, Sched. 9, s. 12 (6).

### **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 600 net residential 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); 2022, c. 21, Sched. 9, s. 12 (7).

### **Transition**

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (8).

### **Net residential units**

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (8).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 12 (9))**

### **Same, affordable residential units**

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2). 2022, c. 21, Sched. 9, s. 12 (9).

### **Consultation**

(3.1) Before passing a by-law under this section that provides for the alternative requirement authorized by subsection (3), the municipality shall consult with such persons and public bodies as the municipality considers appropriate. 2020, c. 18, Sched. 17, s. 2 (3).

(3.2) REPEALED: 2022, c. 21, Sched. 9, s. 12 (10).

### **Same, alternative requirement**

(3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,

- (a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
- (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. 2022, c. 12, Sched. 5, s. 8.

### **Deemed amendment of by-law**

(3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3). 2022, c. 12, Sched. 5, s. 8.

### **Transition**

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is

designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*. 2022, c. 21, Sched. 9, s. 12 (11).

#### **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 passing a by-law under this section, 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); 2022, c. 21, Sched. 9, s. 12 (12).

#### **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).

(4.3) REPEALED: 2022, c. 21, Sched. 9, s. 12 (13).

#### **Application, subss. (4.5) to (4.24)**

(4.4) Subsections (4.5) to (4.24) apply in respect of a by-law passed under this section or an amendment to such a by-law only if the by-law or amendment provides for the alternative requirement authorized by subsection (3). 2020, c. 18, Sched. 17, s. 2 (4).

#### **Notice of by-law and time for appeal**

(4.5) The clerk of a municipality that has passed a by-law under this section shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Requirements of notice**

(4.6) Notices required under subsection (4.5) must meet the prescribed requirements and shall be given in accordance with the regulations. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Same**

(4.7) Every notice required under subsection (4.5) must be given not later than 20 days after the day the by-law is passed. 2020, c. 18, Sched. 17, s. 2 (4).

#### **When notice given**

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Appeal of by-law after passed**

(4.9) Any person or public body may appeal a by-law passed under this section to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Clerk's duty on appeal**

(4.10) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a by-law passed under this section, the clerk shall compile a record that includes,

(a) a copy of the by-law certified by the clerk;

(b) a copy of the parks plan referred to in subsection (4.1), if one exists;

(c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and

(d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed. 2020, c. 18, Sched. 17, s. 2 (4).

**Same**

(4.11) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal. 2020, c. 18, Sched. 17, s. 2 (4).

**Affidavit, declaration conclusive evidence**

(4.12) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration. 2020, c. 18, Sched. 17, s. 2 (4).

**Tribunal hearing of appeal**

(4.13) The Tribunal shall hold a hearing to deal with any notice of appeal of a by-law passed under this section forwarded by the clerk of a municipality. 2020, c. 18, Sched. 17, s. 2 (4).

**Notice**

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner. 2020, c. 18, Sched. 17, s. 2 (4).

**Powers of Tribunal**

(4.15) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in accordance with the Tribunal's order; or
- (c) amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in such manner as the Tribunal may determine. 2020, c. 18, Sched. 17, s. 2 (4).

**Limitation on powers**

(4.16) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of parkland that will be required to be conveyed or payment in lieu that will be required to be paid in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law; or
- (c) change the date, if any, the by-law will expire. 2020, c. 18, Sched. 17, s. 2 (4).

**Dismissal without hearing**

(4.17) Despite subsection (4.13), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal. 2020, c. 18, Sched. 17, s. 2 (4).

**When Tribunal ordered amendments effective**

(4.18) The amendment of a by-law passed under this section by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force. 2020, c. 18, Sched. 17, s. 2 (4).

**Refunds if Tribunal amends by-law, orders amendment**

(4.19) If the Tribunal amends a by-law passed under this section or orders the council of a municipality to amend a by-law passed under this section, the municipality shall refund,

- (a) in the case of a development or redevelopment that was subject to a requirement to convey land but not a requirement for a payment in lieu, the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended;
- (b) in the case of a development or redevelopment that was subject to a requirement for a payment in lieu but not a requirement to convey land, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended; or
- (c) in the case of a development or redevelopment that was subject both to a requirement for a payment in lieu and to a requirement to convey land,

- (i) if the amount of land that was conveyed is greater than or equal to the amount of land required to be conveyed under the by-law as amended, the payment in lieu and the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended, or
- (ii) if the amount of land that was conveyed is less than the amount of land required to be conveyed under the by-law as amended, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended. 2020, c. 18, Sched. 17, s. 2 (4).

#### **When refund due**

(4.20) If a municipality is required to make a refund under subsection (4.19), it shall do so,

- (a) if the Tribunal amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to amend the by-law, within 30 days after the amendment by the council. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Interest**

(4.21) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality or, where land was required to be conveyed, the day the building permit was issued in respect of the development or redevelopment, to the day the amount is refunded. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Same, more than one building permit**

(4.22) If more than one building permit was required for the development or redevelopment in respect of which an amount is being refunded, the municipality shall pay interest, at a rate not less than the prescribed minimum interest rate, from the day the first permit was issued for the development or redevelopment to the day the amount is refunded. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Application of specified provisions to by-law amendments**

(4.23) Subsections (2), (3.1) and (4.5) to (4.22) apply, with necessary modifications, to an amendment to a by-law passed under this section other than an amendment by, or pursuant to an order of, the Tribunal. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Limitation of Tribunal powers**

(4.24) In an appeal of an amendment to a by-law passed under this section, the Tribunal may exercise its powers only in relation to the amendment. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Non-application**

(4.25) For greater certainty, subsections (3.1) and (4.5) to (4.24) do not apply to a by-law passed under this section or an amendment to a by-law passed under this section before the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Transition, expiry of by-law**

(4.26) A by-law passed under this section that is in force on the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force and that provides for the alternative requirement authorized by subsection (3) expires on the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997* unless it is repealed earlier. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Encumbered land, identification by Minister of Infrastructure**

(4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if,

- (a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*;
- (b) the land is,
  - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; and
- (c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes. 2022, c. 12, Sched. 5, s. 8; 2022, c. 21, Sched. 9, s. 12 (14).

### **Same, conveyance of described land**

(4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land,

- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment. 2022, c. 12, Sched. 5, s. 8.

### **Same, non-application of *Legislation Act, 2006*, Part III**

(4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27). 2022, c. 12, Sched. 5, s. 8.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 12 (15))**

### **Identification of land re conveyance to municipality**

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section. 2022, c. 21, Sched. 9, s. 12 (15).

### **Same**

(4.31) Land identified in accordance with subsection (4.30) may include,

- (a) land that is,
  - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; or
- (b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).

### **Agreement re interest in land**

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).

### **Registration of agreement**

(4.33) An agreement entered into under subsection (4.32) 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. 2022, c. 21, Sched. 9, s. 12 (15).

### **Municipality refuses to accept identified land**

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed. 2022, c. 21, Sched. 9, s. 12 (15).

### **Appeal**

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal. 2022, c. 21, Sched. 9, s. 12 (15).

### **Record**

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, 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 are forwarded to the Tribunal within 15 days after the notice is filed; and



- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2022, c. 21, Sched. 9, s. 12 (15).

#### **Hearing**

(4.37) 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. 2022, c. 21, Sched. 9, s. 12 (15).

#### **Order by Tribunal**

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

- (a) be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (15).

#### **Same, interest in land**

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications. 2022, c. 21, Sched. 9, s. 12 (15).

#### **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 1,000 net residential units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4); 2022, c. 21, Sched. 9, s. 12 (16).

#### **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).

#### **Same**

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (17).

#### **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 (4.19), (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); 2020, c. 18, Sched. 17, s. 2 (5).

## **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, refund following appeal if by-law is amended**

(10.1) In the event of a dispute between a municipality and an owner of land as to the value of land for the purposes of subsection (4.19),

- (a) the municipality shall pay the owner the amount it considers to be owed under that subsection in accordance with subsection (4.20); and
- (b) the owner shall, no later than 30 days after receiving payment, apply to the Tribunal to have the value determined for the purpose of that subsection. 2020, c. 18, Sched. 17, s. 2 (6).

## **Same**

(10.2) An owner of land who applies to the Tribunal under subsection (10.1) shall give notice of the application to the municipality within 15 days after the application is made. 2020, c. 18, Sched. 17, s. 2 (6).

## **Same**

(10.3) On an application under subsection (10.1), the Tribunal shall, in accordance as nearly as may be with the *Expropriations Act*, determine the value of the land. 2020, c. 18, Sched. 17, s. 2 (6).

## **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).

## **Requirement to spend or allocate monies in special account**

(16.1) Beginning in 2023 and in each calendar year thereafter, 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. 2022, c. 21, Sched. 9, s. 12 (18).

## **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. 2019, c. 9, Sched. 12, s. 12 (9).

(18)-(20) REPEALED: 2019, c. 9, Sched. 12, s. 12 (9).

## **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

2015, c. 26, s. 28 (1-11) - 01/07/2016

2017, c. 23, Sched. 5, s. 97 (1-3) - 03/04/2018

2019, c. 9, Sched. 12, s. 12 (1-8) - no effect - see 2020, c. 18, Sched. 17, s. 6 - 21/07/2020; 2019, c. 9, Sched. 12, s. 12 (9) - 18/09/2020; 2019, c. 15, Sched. 31, s. 3 - no effect - see 2020, c. 18, Sched. 17, s. 7 - 21/07/2020

2020, c. 18, Sched. 17, s. 2 (1-6) - 18/09/2020

2022, c. 12, Sched. 5, s. 8 - 14/04/2022; 2022, c. 21, Sched. 9, s. 12 (1, 4-8, 10-14, 16-18) - 28/11/2022; 2022, c. 21, Sched. 9, s. 12 (2, 3, 9, 15) - not in force

#### **Application of subss. 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 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; 2019, c. 9, Sched. 12, s. 13 (1).

### **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
- (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.

(1.2)-(1.4) REPEALED: 2022, c. 21, Sched. 9, s. 13 (1).

### **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 Tribunal**

(12) The applicant, the Minister or a specified person or public body that 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 as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3); 2021, c. 4, Sched. 6, s. 80 (5); 2022, c. 21, Sched. 9, s. 13 (2).

#### **Transition**

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day. 2022, c. 21, Sched. 9, s. 13 (3).

#### **Same, retroactive effect**

(12.2) An appeal under subsection (12) made before the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates. 2022, c. 21, Sched. 9, s. 13 (3).

**Same, hearing on the merits**

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2022, c. 21, Sched. 9, s. 13 (3).

**Same**

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2022, c. 21, Sched. 9, s. 13 (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,

- (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;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged by the Tribunal; 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); 2019, c. 9, Sched. 12, s. 13 (2); 2021, c. 4, Sched. 6, s. 80 (1).

### **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 Tribunal**

(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

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

2019, c. 9, Sched. 12, s. 13 (1, 2) - 03/09/2019

2021, c. 4, Sched. 6, s. 80 (1, 5) - 01/06/2021

2022, c. 21, Sched. 9, s. 13 (1-3) - 28/11/2022

### **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 (d.1) or clause 50 (5) (a) or (c.1). (“parcelle de terrain”) R.S.O. 1990, c. P.13, s. 46 (1); 1994, c. 4, s. 15 (1); 2022, c. 21, Sched. 9, s. 14.

#### **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

2022, c. 21, Sched. 9, s. 14 - 28/11/2022

### **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).

### **Non-application of s. 3 (5) (a)**

(1.1) Clause 3 (5) (a) does not apply and is deemed never to have applied to an order made under clause (1) (a) of this section. 2021, c. 2, Sched. 3, s. 1.

### **Greenbelt Area**

(1.2) Despite subsection (1.1), clause 3 (5) (a) applies and always has applied to any part of an order made under clause (1) (a) of this section that applies to land in the Greenbelt Area. 2021, c. 2, Sched. 3, s. 1.

### **Retroactive effect**

(1.3) For greater certainty, subsection (1.1) applies to orders that were made under clause (1) (a) before the day the section 1 of Schedule 3 to the *Supporting Broadband and Infrastructure Expansion Act, 2021* came into force and, for that purpose, references in subsections (1.1) and (1.2) to clauses (1) (a) and 3 (5) (a) include references to the predecessors of those clauses. 2021, c. 2, Sched. 3, s. 1.

### **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 (8.2) 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); 2021, c. 25, Sched. 24, s. 1.

### **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).

### **Interpretation, “specified land”**

(4.1) In subsections (4.3) to (4.16),

“specified land” means land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*. 2020, c. 18, Sched. 17, s. 3.

### **Exclusion of land in Greenbelt Area**

(4.2) For greater certainty, the land in the Greenbelt Area that is excluded from the definition of “specified land” in subsection (4.1) is the area of land designated under clause 2 (1) (a) of the *Greenbelt Act, 2005* which, pursuant to subsection 2 (2) of that Act, includes,

- (a) the areas covered by the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*;
- (b) the areas covered by the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; and
- (c) such areas of land as may be described in the regulations made under the *Greenbelt Act, 2005*. 2020, c. 18, Sched. 17, s. 3.

### **Site plan control and inclusionary zoning, specified land**

(4.3) The Minister may, in an order made under clause (1) (a) that applies to specified land,

- (a) provide that section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of all or a specified part of the specified land described in the order;
- (b) require that a person who owns all or any part of the specified land described in the order enter into one or more agreements with a municipality in which all or part of the specified land is situate dealing with some or all of the matters listed in subsection (4.4); and
- (c) exercise any of the powers conferred on councils by subsections 35.2 (1) and (2) in respect of all or a specified part of the specified land described in the order. 2020, c. 18, Sched. 17, s. 3; 2020, c. 18, Sched. 17, s. 3.

**Matters that may be dealt with in agreement**

(4.4) The matters referred to in clause (4.3) (b) are the following, subject to subsection (4.6):

1. A requirement that any development, within the meaning of subsection 41 (1), on all or a specified part of the specified land described in the order be undertaken in accordance with,
  - i. 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 as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
  - ii. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 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 building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,
    - E. matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design,
    - F. 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, and
    - G. facilities designed to have regard for accessibility for persons with disabilities.
2. Anything that may be imposed as a condition by a municipality under subsection 41 (7) of this Act or subsection 114 (11) of the *City of Toronto Act, 2006*.
3. Anything that may be imposed as a condition by an upper-tier municipality under subsection 41 (8). 2020, c. 18, Sched. 17, s. 3; 2022, c. 21, Sched. 9, s. 15 (1).

**Same, Minister’s direction**

(4.5) If an order made under clause (1) (a) includes a requirement described in clause (4.3) (b) to enter into an agreement, the Minister may, at any time before or after the agreement has been entered into, provide the parties with written direction concerning the agreement. 2020, c. 18, Sched. 17, s. 3.

**Contents of Minister’s direction**

(4.6) Without limiting the generality of subsection (4.5), the Minister’s direction may,

- (a) provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement; or
- (b) specify how any matter listed in subsection (4.4) shall be addressed in an agreement. 2020, c. 18, Sched. 17, s. 3.

**Compliance with Minister’s direction**

(4.7) The parties that are required under clause (4.3) (b) to enter into an agreement shall ensure that,

- (a) if the Minister gives direction under subsection (4.5) before the agreement is entered into, the agreement complies with the direction; and

- (b) if the Minister gives direction under subsection (4.5) after the agreement is entered into, the agreement is amended to comply with the direction. 2020, c. 18, Sched. 17, s. 3.

#### **Effect of non-compliance**

(4.8) A provision of an agreement entered into pursuant to a requirement described in clause (4.3) (b) is of no effect to the extent that it does not comply with a direction the Minister gives under subsection (4.5). 2020, c. 18, Sched. 17, s. 3.

#### **Same, timing of Minister's direction**

(4.9) Subsection (4.8) applies whether the Minister's direction is given before or after the agreement has been entered into. 2020, c. 18, Sched. 17, s. 3.

#### **Non-application of *Legislation Act, 2006*, Part III**

(4.10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction given by the Minister under subsection (4.5). 2020, c. 18, Sched. 17, s. 3.

#### **Restriction on matters in subs. (4.4), par. 1**

(4.11) The following matters relating to buildings described in subparagraph 1 ii of subsection (4.4) shall not be dealt with in an agreement entered into pursuant to a requirement described in clause (4.3) (b):

1. The interior design.
  - 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).
  2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (4.4).
  3. The manner of construction and construction standards. 2020, c. 18, Sched. 17, s. 3; 2022, c. 21, Sched. 9, s. 15 (2).

#### **Enforceability of agreement**

(4.12) If an agreement is entered into between the owner of land and a municipality in accordance with a requirement described in clause (4.3) (b),

- (a) the agreement may be registered against the land to which it applies; and
- (b) 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. 2020, c. 18, Sched. 17, s. 3.

#### **Inclusionary zoning policies**

(4.13) If an order is made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c), the Minister may do one or both of the following:

1. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order and the municipality in which all or part of the specified land is situate enter into one or more agreements dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.
2. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order enter into one or more agreements with the Minister dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement. 2020, c. 18, Sched. 17, s. 3.

#### **Same**

(4.14) An order containing a requirement described in paragraph 1 of subsection (4.13) is deemed to be a by-law passed by the council of the relevant local municipality for the purposes of subsections 35.2 (3) to (9) and a municipality that is a party to an agreement mentioned in that paragraph shall take the steps required under those subsections. 2020, c. 18, Sched. 17, s. 3.

#### **Same**

(4.15) If an agreement is entered into in accordance with a requirement described in subsection (4.13),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the Minister 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. 2020, c. 18, Sched. 17, s. 3.

### **Same**

(4.16) An order made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c) applies regardless of whether the official plan in effect in the relevant local municipality contains policies described in subsection 16 (4). 2020, c. 18, Sched. 17, s. 3.

### **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 hearing**

(8.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal in respect of a request under subsection (8) unless the Minister has referred the request to the Tribunal under subsection (10). 2021, c. 4, Sched. 6, s. 80 (6).

### **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).

### **Exception re notice — order exercising powers under subs. (4.3)**

(9.1) Subsection (9) does not apply with respect to an order under clause (1) (a) if, in the order, the Minister has exercised any of the powers in subsection (4.3). 2020, c. 18, Sched. 17, s. 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

2020, c. 18, Sched. 17, s. 3 - 21/07/2020

2021, c. 2, Sched. 3, s. 1 - 12/04/2021

2021, c. 4, Sched. 6, s. 80 (6) - 01/06/2021; 2021, c. 25, Sched. 24, s. 1 - 01/01/2022

2022, c. 21, Sched. 9, s. 15 (1, 2) - 28/11/2022

### **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

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,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) of the definition of “consent” in subsection 50 (1) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 16 (2))**

(a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,

(a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-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.

### Interpretation, “retained land”

(1.0.0.1) For the purposes of this section and section 53, a reference to “retained land” refers to the whole of a parcel of land that abuts land that is the subject of a certificate given under subsection 53 (42) allowing the conveyance by way of a deed or transfer with a consent that was given on or after March 31, 1979 and that did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or other transaction. 2021, c. 25, Sched. 24, s. 2 (1).

### 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 of the following:

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 50 (1.1) of the Act is amended by striking out “accompanied by a written explanation for it” in the portion before paragraph 1. (See: 2022, c. 21, Sched. 9, s. 16 (3))**

1. One or more applications for a consent or for a certificate of validation specified in the order.
2. Any or all applications for consents or for certificates of validation made after the order is made.
3. One or more applications for a certificate of cancellation specified in the order.
4. Any or all applications for certificates of cancellation made after the order is made. 2021, c. 25, Sched. 24, s. 2 (2).

### Minister to grant consents, etc.

(1.2) If an order is made under subsection (1.1),

(a) the Minister has the power of the council to,

- (i) grant consents or issue certificates of validation in respect of applications to which the order relates, and
- (ii) issue certificates of cancellation in respect of applications to which the order relates; and

- (b) 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. 2021, c. 25, Sched. 24, s. 2 (2).

#### **Effect of revocation**

- (1.3) If the Minister revokes the order or part of the order made under subsection (1.1),
- (a) the power to grant consents or to 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; and
  - (b) the power to issue certificates of cancellation reverts back to the council in respect of all applications to which the revoked order or revoked part of the order applied. 2021, c. 25, Sched. 24, s. 2 (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 or to issue certificates of validation or certificates of cancellation and the delegation may be subject to such conditions as the order provides. 2021, c. 25, Sched. 24, s. 2 (2).

#### **Effect of revocation**

- (1.5) If the Minister revokes the order or part of the order made under subsection (1.4),
- (a) the power of the municipal planning authority to grant consents 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 applied;
  - (b) the power of the municipal planning authority to issue certificates of cancellation reverts back to the Minister in respect of all applications to which the revoked order or revoked part of the order applied; and
  - (c) 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 applied and of which a final disposition was not made by the municipal planning authority before the order or part of the order was revoked. 2021, c. 25, Sched. 24, s. 2 (2).

#### **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;
- (a.1) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;
- (b) the person 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,
  - (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
  - (ii) land that is within a registered description under the *Condominium Act, 1998*, or
  - (iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or other transaction;

- (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,
  - (i) is 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*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
  - (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;
- (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 and 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 to that person's successor in title, provided the person to whom it is being disposed of holds 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, land abutting the land being disposed of; 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); 2018, c. 16, s. 8 (7); 2021, c. 25, Sched. 24, s. 2 (3-5); 2022, c. 21, Sched. 9, s. 16 (1, 4).

**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) If land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey any part of the land other than the whole of any lot or block by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of such part, or mortgage or charge such part, or enter into an agreement of sale and purchase of such part or enter into any agreement that has the effect of granting the use of or right in such part directly or by entitlement to renewal for a period of 21 years or more unless,

- (a) the person 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,
  - (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
  - (ii) land that is within a registered description under the *Condominium Act, 1998*, or
  - (iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (3) applies to any subsequent conveyance or other transaction;
- (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;

- (a.2) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;
- (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,
  - (i) is 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*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
  - (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;
- (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 and 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 to that person's successor in title, provided the person to whom it is being disposed of holds 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, land abutting the land being disposed of; 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); 2018, c. 16, s. 8 (8); 2021, c. 25, Sched. 24, s. 2 (6-9); 2022, c. 21, Sched. 9, s. 16 (1, 5).

#### **Conveyance of retained land**

(6) Despite subsections (3) and (5), retained land may be conveyed or otherwise dealt with before the land that is the subject of the consent is dealt with, provided the retained land is conveyed or otherwise dealt with before the consent lapses under subsection 53 (43). 2021, c. 25, Sched. 24, s. 2 (10).

#### **Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)**

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*. 2022, c. 21, Sched. 9, s. 16 (6).

#### **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, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for any period of years. R.S.O. 1990, c. P.13, s. 50 (9); 2021, c. 25, Sched. 24, s. 2 (11).

**Same**

(9.1) For greater certainty, subsection (9) applies to an agreement that has the effect of granting the use of or right in a part of a building or structure, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for the lifetime of an individual. 2021, c. 25, Sched. 24, s. 2 (12).

**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 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 that is then subject to 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); 2020, c. 34, Sched. 20, s. 1 (1).

#### **Saving**

(17) Subsection (16) does not apply to a partial discharge of a mortgage or partial cessation of a charge if the land described in the partial discharge or partial cessation could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section. 2020, c. 34, Sched. 20, s. 1 (2).

#### **Foreclosure or exercise of power of sale**

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law unless,

- (a) all of the land that is then subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale; or
- (b) all of the land included in the foreclosure or exercise of the power of sale could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section. 2021, c. 25, Sched. 24, s. 2 (13).

(18.1) REPEALED: 2021, c. 25, Sched. 24, s. 2 (14).

#### **Release of interest by joint tenant or tenant in common**

(19) If two or more persons are joint tenants or tenants in common of a parcel of land while also together holding the fee in any abutting land and one of those tenants releases or conveys their interest in the parcel of land to one or more of the other tenants, the tenant is deemed, for the purposes of subsections (3) and (5), to convey the land by way of a deed or transfer and to retain the fee in the abutting land. 2020, c. 34, Sched. 20, s. 1 (3).

#### **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 or creation 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); 2020, c. 34, Sched. 20, s. 1 (4).

**Search period re *Planning Act***

(23) For the purposes of the statement referred to in subclause (22) (c) (ii) or otherwise determining compliance with this section, 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); 2021, c. 25, Sched. 24, s. 2 (15).

**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) - 01/06/2019

2020, c. 34, Sched. 20, s. 1 (1-4) - 08/12/2020

2021, c. 25, Sched. 24, s. 2 (1-15) - 01/01/2022

2022, c. 21, Sched. 9, s. 16 (1) - 01/01/2023; 2022, c. 21, Sched. 9, s. 16 (2, 3) - not in force; 2022, c. 21, Sched. 9, s. 16 (4-6) - 28/11/2022

### **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.

(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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51 (5) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 17 (2))**

### **Upper-tier municipality with planning responsibilities**

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1. 2022, c. 21, Sched. 9, s. 17 (2).

### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51 (5.1) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 17 (2))**

### **Upper-tier municipality without planning responsibilities**

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1. 2022, c. 21, Sched. 9, s. 17 (2).

### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51 (11) of the Act is amended by striking out “accompanied by a written explanation for it” and by striking out “subsection (3.1), (4), (5), (6) or (7)” and substituting “subsection (3.1), (4), (5), (5.1), (6) or (7)”. (See: 2022, c. 21, Sched. 9, s. 17 (3))**

### **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 applied. 1994, c. 23, s. 30; 2021, c. 25, Sched. 24, s. 3 (1).

## **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 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 local 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); 2021, c. 25, Sched. 24, s. 3 (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 (19.4.1) and (20) to (21) do not apply. 2015, c. 26, s. 31 (1); 2021, c. 25, Sched. 24, s. 3 (3).

**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) Subject to subsection (19.4.1), 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), the approval authority shall ensure that,

- (a) the prescribed persons and public bodies are given notice of the application, in the prescribed manner, and that the notice is accompanied by the prescribed information; and
- (b) the information and material provided under subsections (17) and (18) are made available to the public. 2021, c. 25, Sched. 24, s. 3 (4).

**Exception**

(19.4.1) Subsection (19.4) does not apply if the land that is the subject of the application is not located in a municipality or in the planning area of a planning board. 2021, c. 25, Sched. 24, s. 3 (4).

### **Request by approval authority**

(19.4.2) 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 the notice of the application referred to in clause (19.4) (a) and make the information and material referred to in clause (19.4) (b) available to the public. 2021, c. 25, Sched. 24, s. 3 (4).

### **Responsibilities**

(19.4.3) A local municipality or planning board that is requested under subsection (19.4.2) to give notice of the application shall ensure that the notice is given in accordance with clause (19.4) (a). 2021, c. 25, Sched. 24, s. 3 (4).

### **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).

(20)-(21.1) REPEALED: 2022, c. 21, Sched. 9, s. 17 (4).

(21.2) REPEALED: 2019, c. 9, Sched. 12, s. 14 (1).

### **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).

## Same, exception

(25.1) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsection (25), the approval authority may not impose conditions respecting any prescribed matters. 2022, c. 12, Sched. 5, s. 9 (1).

## 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.

(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, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). 2022, c. 12, Sched. 5, s. 9 (2).

### **Deemed not to have lapsed**

(33.1) If an approval of a plan of subdivision lapses before an extension is given, the approval authority may deem the approval not to have lapsed unless,

- (a) five or more years have passed since the approval lapsed;
- (b) the approval has previously been deemed not to have lapsed under this subsection; or
- (c) an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision. 2022, c. 12, Sched. 5, s. 9 (2).

### **Same**

(33.2) Before an approval is deemed not to have lapsed under subsection (33.1), the owner of the land proposed to be subdivided shall provide the approval authority with an affidavit or sworn declaration certifying that no agreement had been entered into for the sale of any land by a description in accordance with the draft approved plan of subdivision. 2022, c. 12, Sched. 5, s. 9 (2).

### **Same, new time period**

(33.3) If an approval authority deems an approval not to have lapsed under subsection (33.1), the approval authority shall provide that the approval lapses at the expiration of the time period specified by the approval authority. 2022, c. 12, Sched. 5, s. 9 (2).

### **Appeal to Tribunal**

(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 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 by the Tribunal. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81; 2019, c. 9, Sched. 12, s. 14 (2); 2021, c. 4, Sched. 6, s. 80 (1).

### **Consolidated hearing**

(34.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal 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. 2021, c. 4, Sched. 6, s. 80 (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;
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (7); 2017, c. 23, Sched. 5, s. 99 (2); 2021, c. 25, Sched. 24, s. 3 (7).

### **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 by the Tribunal:

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 specified person 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; 2019, c. 9, Sched. 12, s. 14 (3, 4); 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched. 9, s. 17 (1).

#### **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 by the Tribunal:

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 specified person 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; 2019, c. 9, Sched. 12, s. 14 (5); 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched. 9, s. 17 (1).

### **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 by the Tribunal:

1. The applicant.
2. A public body that, 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 specified person 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; 2019, c. 9, Sched. 12, s. 14 (6, 7); 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched. 9, s. 17 (1).

### **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).

(48.3) REPEALED: 2022, c. 21, Sched. 9, s. 17 (4).

### **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;
  - (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; and
  - (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1994, c. 23, s. 30; 2017, c. 23, Sched. 5, s. 99 (4); 2021, c. 25, Sched. 24, s. 3 (8).

## **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. 2019, c. 9, Sched. 12, s. 14 (9).

## **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**

(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,

- (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 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 by the Tribunal; 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); 2019, c. 9, Sched. 12, s. 14 (10); 2021, c. 4, Sched. 6, s. 80 (1).

## **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

2019, c. 9, Sched. 12, s. 14 (1-10) - 03/09/2019

2021, c. 4, Sched. 6, s. 80 (1, 7) - 01/06/2021; 2021, c. 25, Sched. 24, s. 3 (1-8) - 01/01/2022

2022, c. 12, Sched. 5, s. 9 (1, 2) - 14/04/2022; 2022, c. 21, Sched. 9, s. 17 (1, 4) - 28/11/2022; 2022, c. 21, Sched. 9, s. 17 (2, 3) - not in force

## **Parkland**

### **Definitions**

**51.1** (0.1) In this section,

“effective date” means July 1, 2016. (“date d’effet”) 2015, c. 26, s. 32 (1); 2020, c. 18, Sched. 17, s. 4; 2022, c. 21, Sched. 9, s. 18 (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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (1) of the Act is amended by adding “Subject to subsection (1.1),” at the beginning. (See: 2022, c. 21, Sched. 9, s. 18 (2))**

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 51.1 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 18 (3))**

### **Same, affordable residential units**

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment. 2022, c. 21, Sched. 9, s. 18 (3).

### **Exception, non-profit housing development**

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*. 2022, c. 21, Sched. 9, s. 18 (4).

### **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 in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), 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 600 net residential units proposed or at such lesser rate as may be determined by the municipality. 2022, c. 21, Sched. 9, s. 18 (5).

(2.1)-(2.3) REPEALED: 2022, c. 21, Sched. 9, s. 18 (5).

### **Conveyance of described land**

(2.4) If land proposed for a plan of subdivision includes land identified as encumbered land in an order under subsection 42 (4.27), the encumbered land,

(a) shall be conveyed to the local municipality for park or other public recreational purposes; and

(b) despite any provision in a by-law passed under section 42, shall be deemed to count towards any requirement applicable to the plan of subdivision under this section. 2022, c. 12, Sched. 5, s. 10.

#### **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, net residential units**

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided. 2022, c. 21, Sched. 9, s. 18 (6).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 51.1 of the Act is amended by adding the following subsection: (See: 2022, c. 21, Sched. 9, s. 18 (7))**

#### **Same, affordable residential units**

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1). 2022, c. 21, Sched. 9, s. 18 (7).

#### **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 1,000 net residential units proposed or such lesser rate as may be determined by the municipality. 2015, c. 26, s. 32 (2); 2022, c. 21, Sched. 9, s. 18 (8).

#### **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).

#### **Transition**

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

- (a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and
- (b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies. 2022, c. 21, Sched. 9, s. 18 (9).

(3.3) REPEALED: 2022, c. 21, Sched. 9, s. 18 (10).

#### **Limits on subs. (2) re conveyance percentage**

(3.4) The amount of land a municipality may require to be conveyed under subsection (2) or the amount of a payment in lieu a municipality may require under subsection (3.1) shall not exceed,

- (a) if the land included in the plan of subdivision is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; or
- (b) if the land included in the plan of subdivision is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. 2022, c. 12, Sched. 5, s. 10.

#### **Transition**

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*. 2022, c. 21, Sched. 9, s. 18 (11).

### **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) 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); 2019, c. 9, Sched. 12, s. 15 (6).

### **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

2019, c. 9, Sched. 12, s. 15 (1-5, 7) - no effect - see 2020, c. 18, Sched. 17, s. 6 - 21/07/2020; 2019, c. 9, Sched. 12, s. 15 (6) - 18/09/2020; 2019, c. 15, Sched. 31, s. 4 (1, 2) - no effect - see 2020, c. 18, Sched. 17, s. 7 - 21/07/2020

2020, c. 18, Sched. 17, s. 4 - 18/09/2020

2022, c. 12, Sched. 5, s. 10 - 14/04/2022; 2022, c. 21, Sched. 9, s. 18 (1, 4-6, 8-11) - 28/11/2022; 2022, c. 21, Sched. 9, s. 18 (2, 3, 7) - not in force

### **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 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**

**Definition**

**53** (0.1) In this section,

“provisional consent” means a consent given under subsection (1) in respect of which a certificate cannot be issued under subsection (42) because,

- (a) the 20-day period mentioned in subsection (19) has not elapsed,
- (b) any appeals under subsection (19) remain outstanding, or
- (c) conditions have been imposed but have not been fulfilled. 2020, c. 34, Sched. 20, s. 2 (1).

**Same**

(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’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. 2021, c. 25, Sched. 24, s. 4 (1).

**Same**

(1.1) For the purposes of subsection (1), a purchaser of land is a person who has entered into an agreement of purchase and sale to acquire the land and who is authorized in the agreement of purchase and sale to make the application. 2021, c. 25, Sched. 24, s. 4 (1).

**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
- (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.

### **Amendment to application**

(4.2.1) An application may be amended by the applicant at any time before the council or the Minister gives or refuses to give a consent. 2021, c. 25, Sched. 24, s. 4 (2).

### **Terms**

(4.2.2) If an application is amended by the applicant, the council or the Minister may impose such terms as the council or Minister considers appropriate, including terms,

- (a) requiring the provision of additional information and material in relation to the amendment; and
- (b) specifying that the time period referred to in subsection (14) is deemed not to have begun until the later of,
  - (i) the date the application was amended, and
  - (ii) if additional information and material was required under clause (a), the date on which all the information and material was provided. 2021, c. 25, Sched. 24, s. 4 (2).

### **Fees**

(4.2.3) For greater certainty, the council or the Minister may include fees in respect of an amendment to an application in its fees established under section 69 or 69.1, as the case may be. 2021, c. 25, Sched. 24, s. 4 (2).

### **Other**

(4.2.4) For greater certainty, subsection (4.2.1) shall not be construed as preventing a person from amending any other type of application under this Act. 2021, c. 25, Sched. 24, s. 4 (2).

### **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).

### **Requirements re public meeting**

(5.1) If a regulation referred to in clause (5) (b) is made requiring a public meeting, the regulation may also specify one or more purposes of the public meeting, such persons or entities who are entitled to make representations at the public meeting and any information required to be made available at the public meeting. 2021, c. 25, Sched. 24, s. 4 (3).

### **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 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); 2019, c. 9, Sched. 12, s. 16 (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 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); 2019, c. 9, Sched. 12, s. 16 (2).

### **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.

### **Same**

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1). 2022, c. 21, Sched. 9, s. 19 (1).

## **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 Tribunal**

(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 by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (2); 2004, c. 18, s. 9; 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1).

## **Consolidated hearing**

(14.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal 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. 2021, c. 4, Sched. 6, s. 80 (8).

## **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;
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (3); 2017, c. 23, Sched. 5, s. 100 (2); 2021, c. 25, Sched. 24, s. 4 (5).

## **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).

## **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; and
- (c) REPEALED: 2021, c. 25, Sched. 24, s. 4 (6).
- (d) any other person or public body that is prescribed. 2015, c. 26, s. 33 (5); 2021, c. 25, Sched. 24, s. 4 (6).

## **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 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. 33 (5); 2021, c. 25, Sched. 24, s. 4 (7).

### **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) The applicant, the Minister, a specified person or any 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 by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched. 9, s. 19 (2).

### **Transition**

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day. 2022, c. 21, Sched. 9, s. 19 (3).

### **Same, retroactive effect**

(19.2) An appeal under subsection (19) made before the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates. 2022, c. 21, Sched. 9, s. 19 (3).

### **Same, hearing on the merits**

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2022, c. 21, Sched. 9, s. 19 (3).

### **Same**

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2022, c. 21, Sched. 9, s. 19 (3).

### **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) The applicant, the Minister, a specified person or any 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 by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (10); 2017, c. 23, Sched. 5, s. 81; 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched. 9, s. 19 (4).

## **Transition**

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day. 2022, c. 21, Sched. 9, s. 19 (5).

## **Same, retroactive effect**

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates. 2022, c. 21, Sched. 9, s. 19 (5).

## **Same, hearing on the merits**

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2022, c. 21, Sched. 9, s. 19 (5).

## **Same**

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2022, c. 21, Sched. 9, s. 19 (5).

### **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;
- (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); and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 100 (4); 2021, c. 25, Sched. 24, s. 4 (8).

### **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,

- (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 by the Tribunal; 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); 2019, c. 9, Sched. 12, s. 16 (3); 2021, c. 4, Sched. 6, s. 80 (1).

### **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.

### **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 a provisional consent has been given by the Tribunal under subsection (34), 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); 2021, c. 25, Sched. 24, s. 4 (9).

### **Same**

(40) If a provisional consent has been given by the Minister or the council and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given. However, 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. 2021, c. 25, Sched. 24, s. 4 (10).

### **Conditions not fulfilled**

(41) If conditions have been imposed and the applicant has not, within a period of two years 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 two years 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). 2021, c. 25, Sched. 24, s. 4 (11).

### **Transition**

(41.1) For greater certainty, subsection (41), as it reads on and after the day subsection 4 (11) of Schedule 24 to the *Supporting Recovery and Competitiveness Act, 2021* comes into force, does not apply with respect to an application that was, before that day, deemed to have been refused under subsection (41), as it read immediately before that day. 2021, c. 25, Sched. 24, s. 4 (11).

### **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.

### **Same, retained land**

(42.1) If a consent has been given under this section to a conveyance of a part of a parcel of land and the consent did not stipulate that subsection 50 (3) or (5) applies to any subsequent conveyance or other transaction, the clerk of the municipality or the Minister, as the case may be, shall give the same form of certificate described in subsection (42) to the applicant for the retained land resulting from the consent, if the applicant, in making the application for consent,

(a) requests that the certificate be given; and

(b) provides a registrable legal description of the retained land. 2021, c. 25, Sched. 24, s. 4 (12).

### **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.

### **Certificate of cancellation**

(45) An owner of land that was previously conveyed with a consent, or the owner's agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50



(12) does not apply in respect of the land that was the subject of the consent and that subsection 50 (3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land. 2021, c. 25, Sched. 24, s. 4 (13).

#### **Same, deemed delegation**

(46) A delegation by the Minister under section 4 or by a council or planning board under section 5 of the Minister's authority for the giving of consents under this section shall be deemed to include the authority to issue certificates of cancellation under subsection (45). 2021, c. 25, Sched. 24, s. 4 (13).

#### **Same, application**

(47) An application referred to in subsection (45) shall be accompanied by any prescribed information and material and such other information or material as the council or the Minister, as the case may be, requires. 2021, c. 25, Sched. 24, s. 4 (13).

#### **Provision of certificate**

(48) If an application for a certificate of cancellation is made under subsection (45), the council or the Minister, as the case may be, may provide the certificate to the applicant. 2021, c. 25, Sched. 24, s. 4 (13).

#### **Cancellation**

(49) After the registration of a certificate of cancellation referred to in subsection (45),

- (a) subsection 50 (3) or (5), as the case may be, applies to any subsequent conveyance or other transaction involving land that is the subject of the certificate despite subsection 50 (12); and
- (b) for the purposes of subsection 50 (3) or (5), as the case may be, the land that is the subject of the certificate is deemed not to be land that was previously conveyed by way of a deed or transfer with a consent. 2021, c. 25, Sched. 24, s. 4 (13).

#### **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

2019, c. 9, Sched. 12, s. 16 (1-3) - 03/09/2019

2020, c. 34, Sched. 20, s. 2 (1, 2) - 08/12/2020

2021, c. 4, Sched. 6, s. 80 (1, 8) - 01/06/2021; 2021, c. 25, Sched. 24, s. 4 (1-13) - 01/01/2022

2022, c. 21, Sched. 9, s. 19 (1-5) - 28/11/2022

#### **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).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 54 (2) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 20)**

### **Delegation by lower-tier municipality**

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, 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 if,

- (a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or
- (b) the council of the lower-tier municipality has been delegated the authority under subsection (1). 2022, c. 21, Sched. 9, s. 20.

### **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 issue certificates of cancellation under subsection 53 (45) 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); 2021, c. 25, Sched. 24, s. 5 (1).

### **Limitation**

(2.2) Section 53 does not apply in the exercise of authority under subsection (2.1) to issue certificates of validation. 1994, c. 23, s. 33 (4); 2021, c. 25, Sched. 24, s. 5 (2).

### **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).

### **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 issue certificates of cancellation under subsection 53 (45) and the authority to issue certificates of validation under section 57, subsections 45 (8) to (8.2) apply in the exercise of that authority, but subsections 45 (4) to (7) and (9) to (20) do not apply. 2021, c. 25, Sched. 24, s. 5 (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 the issuance of a certificate of validation under section 57 or for the issuance of a certificate of cancellation under subsection 53 (45) 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); 2021, c. 25, Sched. 24, s. 5 (4).

### **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

2021, c. 25, Sched. 24, s. 5 (1-4) - 01/01/2022

2022, c. 21, Sched. 9, s. 20 - not in force

#### **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, to issue certificates of cancellation under subsection 53 (45) or 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); 2021, c. 25, Sched. 24, s. 6.

#### **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

2021, c. 25, Sched. 24, s. 6 - 01/01/2022

#### **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 subss. 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 certificate**

(6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53. 2021, c. 25, Sched. 24, s. 7.

(7) REPEALED: 2021, c. 25, Sched. 24, s. 7.

#### **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

2009, c. 33, Sched. 21, s. 10 (15) - 15/12/2009

2021, c. 25, Sched. 24, s. 7 - 01/01/2022

## **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.

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 62 (1) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 62 (1))

## Not subject to Act

(1) An undertaking or Part II.3 project 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 or to section 113 or 114 of the *City of Toronto Act, 2006*. 2020, c. 18, Sched. 6, s. 62 (1).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 62 (1) of the Act is repealed and the following substituted: (See: 2021, c. 25, Sched. 23, s. 1 (1))

## Exempted projects by transmitters, OPG

(1) A project within the meaning of the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) the project is undertaken by a transmitter in respect of a transmission system, within the meaning of those terms under the *Electricity Act, 1998*, and
  - (i) the project is approved under Part II.3 of the *Environmental Assessment Act*, or
  - (ii) the prescribed requirements for commencing the project under Part II.4 of the *Environmental Assessment Act* have been satisfied; or
- (b) the project is undertaken by Ontario Power Generation Inc. and has been approved under Part II.3 of the *Environmental Assessment Act*. 2021, c. 25, Sched. 23, s. 1 (1).

## 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).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, section 62 of the Act is amended by adding the following subsection: (See: 2021, c. 25, Sched. 23, s. 1 (2))

## Transition

(3) Subsection (1), as it read on the day before the day subsection 1 (1) of Schedule 23 to the *Supporting Recovery and Competitiveness Act, 2021* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*. 2021, c. 25, Sched. 23, s. 1 (2).

## 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

2020, c. 18, Sched. 6, s. 62 (1) - not in force; 2020, c. 18, Sched. 6, s. 62 (2, 3) - no effect - see 2021, c. 25, Sched. 23, s. 2 - 03/06/2021

2021, c. 25, Sched. 23, s. 1 (1, 2) - not in force

## 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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 62.0.1 (1) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 62 (4))**

**Exempt projects, undertakings, etc.**

(1) Any project, class of projects, 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) any of the following applies with respect to the project, class of projects, undertaking or class or undertakings:
  - (i) it is approved under Part II.1 or Part II.3 of the *Environmental Assessment Act*,
  - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
  - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
  - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project, class of projects, undertaking or class of undertakings for the purposes of this subsection is in effect. 2020, c. 18, Sched. 6, s. 62 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 62.0.1 (1) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 62 (5))**

**Exempt projects**

(1) Any project or class of projects 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) any of the following applies with respect to the project or class of projects:
  - (i) it is approved under Part II.3 of the *Environmental Assessment Act*,
  - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
  - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
  - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project or class of projects for the purposes of this subsection is in effect. 2020, c. 18, Sched. 6, s. 62 (5).

**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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 62.0.1 (2) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 62 (6))**

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 62.0.1 of the Act is amended by adding the following subsections: (See: 2020, c. 18, Sched. 6, s. 62 (7))**

**Transition**

(2) Subsection (1), as it read on the day before the day subsection 62 (5) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking or class of undertakings that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

- (a) was approved under Part II.1 of the *Environmental Assessment Act*;
- (b) was the subject of an order under section 3.1 of the *Environmental Assessment Act* or of a declaration under section 3.2 of that Act; or

(c) was exempted from the *Environmental Assessment Act* by a regulation made under that Act. 2020, c. 18, Sched. 6, s. 62 (7).

#### **Same, regulations**

(3) For the purposes of the continued application of subsection (1) under subsection (2),

- (a) the Lieutenant Governor in Council may make regulations prescribing undertakings or classes of undertakings that relate to energy and are referred to in subsection (2); and
- (b) a regulation made under clause (a) is deemed to be a regulation made under clause 70 (h) for the purposes of the continued application of clause (1) (b). 2020, c. 18, Sched. 6, s. 62 (7).

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

2006, c. 23, s. 24 - 01/01/2007

2020, c. 18, Sched. 6, s. 62 (4-7) - not in force

**62.0.2 REPEALED:** 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) - 01/06/2019

#### **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

#### **Reporting on planning matters**

**64** A council of a municipality or planning board, as the case may be, shall,

- (a) if requested by the Minister, provide such information to the Minister on such planning matters as the Minister may request; and
- (b) report on the prescribed planning matters in accordance with the regulations. 2022, c. 12, Sched. 5, s. 11.

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

2009, c. 33, Sched. 2, s. 59 (1) - 15/12/2009

2022, c. 12, Sched. 5, s. 11 - 14/04/2022

#### **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).

### **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 Tribunal**

(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.

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 70 (h) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 62 (8))**

- (h) for the purposes of section 62.0.1, prescribing a project, class of projects, an undertaking or class of undertakings that relates to energy.

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 70 (h) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 62 (9))**

- (h) for the purposes of section 62.0.1, prescribing a project or class of projects that relates to energy.

## 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

2020, c. 18, Sched. 6, s. 62 (8, 9) - not in force

## General regulations, Minister

**70.1** (1) The Minister may make regulations,

- 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;

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted: (See: 2022, c. 21, Sched. 9, s. 21)**

17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of 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);
- 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 requirements for the purposes of clause 37 (9) (b);
- 24.1.2 prescribing the percentage referred to in subsection 37 (32) to be applied to the value of land;

- 24.1.3 prescribing time periods for the purposes of clause 37 (33) (b) and subsections 37 (35) and (39);
- 24.2 REPEALED: 2019, c. 9, Sched. 12, s. 17 (2).
25. prescribing rules of procedure for committees of adjustment;
26. prescribing conditions for the purposes of subsection 51 (25.1);
27. requiring that notice be given under subsection 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;
- 30.0.1 for the purposes of section 64,
- i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,
  - ii. identifying the persons to whom a report must be provided,
  - iii. specifying the frequency with which reports must be produced and provided, and
  - iv. specifying the format in which a report must be provided;
- 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 70, 70.2 and 70.3. 2006, c. 23, s. 26; 2015, c. 26, s. 35; 2016, c. 25, Sched. 4, s. 10 (1-6); 2019, c. 9, Sched. 12, s. 17 (2-4); 2020, c. 18, Sched. 17, s. 5; 2021, c. 25, Sched. 24, s. 8; 2022, c. 12, Sched. 5, s. 12.

**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).

**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

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

2019, c. 9, Sched. 12, s. 17 (1, 5) - no effect - see 2020, c.18, Sched. 17, s.6 - 21/07/2020; 2019, c. 9, Sched. 12, s. 17 (2) - 18/09/2020; 2019, c. 9, Sched. 12, s. 17 (3, 4) - 03/09/2019

2020, c. 18, Sched. 17, s. 5 - 18/09/2020

2021, c. 25, Sched. 24, s. 8 - 01/01/2022

2022, c. 12, Sched. 5, s. 12 - 14/04/2022; 2022, c. 21, Sched. 9, s. 21 - not in force

## **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 as necessary to establish a development permit system, including, for greater certainty, providing that there is no appeal in respect of a by-law passed by a municipality to adopt or establish a development permit system;

(a.1) vary, supplement or override 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; 2019, c. 9, Sched. 12, s. 18.

### **Same, five-year period**

(2.1) A regulation under subsection (1) may,

- (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

2019, c. 9, Sched. 12, s. 18 - 03/09/2019

**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. 2019, c. 9, Sched. 12, s. 19.

### **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). 2019, c. 9, Sched. 12, s. 19.

### **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). 2019, c. 9, Sched. 12, s. 19.

### **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). 2019, c. 9, Sched. 12, s. 19.

### **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. 2019, c. 9, Sched. 12, s. 19.

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

2015, c. 26, s. 37 - 01/07/2016

2019, c. 9, Sched. 12, s. 19 - 03/09/2019

### **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

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2022, c. 12, Sched. 5, s. 13)**

## Regulations re surety bonds and other instruments

**70.3.1** (1) The Minister may make regulations,

- (a) prescribing and defining surety bonds and prescribing and further defining other instruments for the purposes of this section;
- (b) authorizing owners of land, and applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality, if the municipality requires the obligation to be secured as a condition to an approval in connection with land use planning, and specifying any particular circumstances in which the authority can be exercised. 2022, c. 12, Sched. 5, s. 13.

## Definition

(2) In this section,

“other instrument” means an instrument that secures the performance of an obligation. 2022, c. 12, Sched. 5, s. 13.

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

2022, c. 12, Sched. 5, s. 13 - not in force

## 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.



### **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,

- (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), (g) REPEALED: 2021, c. 4, Sched. 6, s. 80 (9).

2017, c. 23, Sched. 3, s. 17; 2021, c. 4, Sched. 6, s. 80 (9).

**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,

“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

2021, c. 4, Sched. 6, s. 80 (9) - 01/06/2021

### **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) - 01/06/2019

### **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. 2019, c. 9, Sched. 12, s. 20.

### **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. 2019, c. 9, Sched. 12, s. 20.

### **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) REPEALED: 2021, c. 4, Sched. 6, s. 80 (10).

2019, c. 9, Sched. 12, s. 20; 2021, c. 4, Sched. 6, s. 80 (10).

### **Conflict**

(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. 2019, c. 9, Sched. 12, s. 20.

### **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. 2019, c. 9, Sched. 12, s. 20.

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

2019, c. 9, Sched. 12, s. 20 - 03/09/2019

2021, c. 4, Sched. 6, s. 80 (10) - 01/06/2021

### **Regulations re periods of time during emergency**

**70.11** (1) The Minister may make regulations,

- (a) governing the application of periods of time described in provisions of this Act or the regulations or in section 114 of the *City of Toronto Act, 2006* during the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act*, including,
  - (i) providing that the period of the emergency shall not be included for the purposes of counting a period of time,
  - (ii) providing that a period of time that ended on or after the day the emergency was declared and before the day a regulation made under this clause is filed is deemed not to have ended, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the period of time being deemed not to have ended, including,
    - (A) requiring or permitting any persons or public bodies to take certain steps or actions, or
    - (B) deeming an appeal of the failure or neglect of a municipal council or other decision-maker to make a decision or give notice of a decision within the period of time not to have been made;
- (b) providing that a by-law passed under a provision to which a regulation under clause (a) applies and that is in effect at the time an emergency is declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* is deemed to remain in effect for a specified period of time after the by-law would otherwise expire, which period of time shall not exceed the total number of days of the emergency;
- (c) providing that any order made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* on or after a regulation made under this clause is filed does not apply with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*;
- (d) providing that an order, or part of an order, made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* before a regulation made under this clause is filed does not apply and is deemed to have never applied with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the order, or part of the order, being deemed to have never applied, including requiring or permitting any persons or public bodies to take certain steps or actions. 2020, c. 6, Sched. 4, s. 1.

**Rules under subs. (1) (d)**

(2) The rules set out in a regulation made under clause (1) (d) may provide that a provision of this Act or the regulations or section 114 of the *City of Toronto Act* applies with such modifications as may be specified. 2020, c. 6, Sched. 4, s. 1.

**Conflict with *Emergency Management and Civil Protection Act***

(3) A regulation made under this section may provide that it applies despite the *Emergency Management and Civil Protection Act* or any provision of that Act. 2020, c. 6, Sched. 4, s. 1.

**Retroactivity**

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed. 2020, c. 6, Sched. 4, s. 1.

**Interpretation, period of an emergency**

(5) For greater certainty, a reference in this section to the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* shall be read as including any extension of the emergency under section 7.0.7 of that Act. 2020, c. 6, Sched. 4, s. 1.

**Conflict**

(6) For greater certainty, in the event of a conflict between a regulation made under this section and a provision of this Act or of another regulation made under this Act, whether made by the Minister or the Lieutenant Governor in Council, or section 114 of the *City of Toronto Act, 2006*, the regulation made under this section prevails. 2020, c. 6, Sched. 4, s. 1.

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

2020, c. 6, Sched. 4, s. 1 - 14/04/2020

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2022, c. 21, Sched. 9, s. 22)**

**Regulations re transitional matters, 2022 amendments**

**70.12** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date. 2022, c. 21, Sched. 9, s. 22.

**Same**

- (2) Without limiting the generality of subsection (1), a regulation made under that subsection may,
- (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. 2022, c. 21, Sched. 9, s. 22.

**Conflict**

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. 2022, c. 21, Sched. 9, s. 22.

**Definition**

- (4) In this section,

“effective date” means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force. 2022, c. 21, Sched. 9, s. 22.

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

2022, c. 21, Sched. 9, s. 22 - not in force

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2022, c. 21, Sched. 9, s. 23)**

**Transition, upper-tier municipalities without planning responsibilities**

- 70.13** (1) In this section,

“effective date” means,

- (a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and
- (b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force. 2022, c. 21, Sched. 9, s. 23.

**Upper-tier official plans**

(2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise. 2022, c. 21, Sched. 9, s. 23.

**Official plans or amendments not yet in force**

(3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn't been done before the effective date:
  - i. Giving notice under subsection 17 (23).
  - ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date. 2022, c. 21, Sched. 9, s. 23.

### **Official plans and amendments in process**

(4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality. 2022, c. 21, Sched. 9, s. 23.

### **Requests for amendments to official plan**

(5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality. 2022, c. 21, Sched. 9, s. 23.

### **Forwarding of papers and other documents**

(6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5). 2022, c. 21, Sched. 9, s. 23.

### **Conflict**

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date. 2022, c. 21, Sched. 9, s. 23.

### **Plans of subdivision**

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision. 2022, c. 21, Sched. 9, s. 23.

### **Consents**

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent. 2022, c. 21, Sched. 9, s. 23.

### **Regulations**

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date. 2022, c. 21, Sched. 9, s. 23.

### **Same**

- (11) Without limiting the generality of subsection (10), a regulation made under that subsection may,
- (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 (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation. 2022, c. 21, Sched. 9, s. 23.

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

2022, c. 21, Sched. 9, s. 23 - not in force

### **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)**

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

### **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)**

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;
  - (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

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO  
1 CHARLES III, 2022

## Bill 23

*(Chapter 21 of the Statutes of Ontario, 2022)*

**An Act to amend various statutes, to revoke various regulations and to  
enact the Supporting Growth and Housing in York and Durham Regions Act, 2022**

**The Hon. S. Clark**

Minister of Municipal Affairs and Housing

1st Reading	October 25, 2022
2nd Reading	October 31, 2022
3rd Reading	November 28, 2022
Royal Assent	November 28, 2022



## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 23 and does not form part of the law.  
Bill 23 has been enacted as Chapter 21 of the Statutes of Ontario, 2022.*

### **SCHEDULE 1 CITY OF TORONTO ACT, 2006**

The Schedule amends section 111 of the *City of Toronto Act, 2006* to give the Minister the authority to make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under that section.

The Schedule also makes various amendments to section 114 of the *City of Toronto Act, 2006*. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in subsection 114 (1). Amendments to subsection (6) and new subsection (6.1) limit the extent to which exterior design may be addressed through site plan control. Related amendments are also included.

### **SCHEDULE 2 CONSERVATION AUTHORITIES ACT**

The Schedule repeals and re-enacts subsections 21 (2) and (3) of the *Conservation Authorities Act* so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria. Sections 21.1.1 and 21.1.2 of the Act are also amended to provide that authorities may not provide a program or service related to reviewing and commenting on certain matters under prescribed Acts. A new section 21.3 is added to the Act authorizing the Minister to direct an authority not to change the fees it charges for a specified period of time.

The Act is amended to provide that certain prohibitions on activities in the area of jurisdiction of an authority do not apply if the activities are part of development authorized under the *Planning Act* and if other specified conditions are satisfied.

Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*.

Currently, several factors must be considered when making decisions relating to a permission to carry out a development project or a permit to engage in otherwise prohibited activities. The factors include the possible effects on the control of pollution and the conservation of land. The Act is amended to instead require consideration of the effects on the control of unstable soil or bedrock.

Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

A new prohibition is added to prohibit a person from continuing to carry out a development project if they have not entered into an agreement by the timeline prescribed in the regulations.

Various other related and consequential amendments and corrections are made, and several regulations made under the Act are revoked.

### **SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997**

The Schedule makes various amendments to the *Development Charges Act, 1997*. Here are some highlights:

1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.
2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.
3. Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.
4. Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.
5. Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms. Transitional matters are provided for, including that the reduction applies

to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day the amendments came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed.

6. A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.
7. New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.

#### **SCHEDULE 4 MUNICIPAL ACT, 2001**

The Schedule amends section 99.1 of the *Municipal Act, 2001* to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section.

#### **SCHEDULE 5 NEW HOME CONSTRUCTION LICENSING ACT, 2017**

The Schedule makes various amendments to the *New Home Construction Licensing Act, 2017*, including the following:

1. Sections 10 and 11, which relate to competency criteria and composition of the regulatory authority's board, are amended to provide for the Minister's powers to be exercised by order instead of by regulation.
2. Section 71 is amended to provide for higher maximum fines for subsequent convictions for offences.
3. Section 76 is replaced with a new section 76, with some changes. The purposes for which an administrative penalty may be imposed are extended to include compliance with the Acts, regulations and by-laws referred to in subsection 76 (1) and the conditions of a licence as well to prevent economic benefit from contraventions. The maximum amount of an administrative penalty is increased to \$50,000. New subsections 76 (15) and (16) allow administrative penalties to be imposed for contraventions that occurred between April 14, 2022 and the day section 76 comes into force.
4. Clause 84 (1) (i), which authorizes regulations specifying the purposes for which the regulatory authority may use funds that it collects as administrative penalties, is replaced with a new clause 84 (1) (i) that extends the authority to funds that the regulatory authority collects as fines.
5. New clause 84 (1) (i.1) authorizes regulations requiring the regulatory authority to establish, maintain and comply with a policy governing payments to adversely affected persons from funds the authority collects as fines and administrative penalties. New subsection 84 (7) allows such a regulation to provide for any aspect of the policy to be subject to the approval of the Minister.

#### **SCHEDULE 6 ONTARIO HERITAGE ACT**

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more provincial priorities, as specified.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be



prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conservation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Other housekeeping amendments are made to the Act.

#### **SCHEDULE 7 ONTARIO LAND TRIBUNAL ACT, 2021**

The Schedule amends the *Ontario Land Tribunal Act, 2021*.

Subsection 19 (1) is amended to expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.

The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.

A consequential amendment is made to subsection 13 (4).

#### **SCHEDULE 8 ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012**

The Schedule amends the *Ontario Underground Infrastructure Notification System Act, 2012*. Here are some highlights:

1. New subsection 2 (4.4) authorizes the Minister to appoint a chair of the board of directors.
2. New section 2.3 authorizes the Minister to appoint an administrator of the Corporation. This section sets out details of this appointment such as the term, powers and duties of the administrator and various rules with respect to liability. New section 2.5 sets out the conditions to be satisfied in order for the Minister to exercise this authority.
3. New section 2.4 sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.
4. New section 2.6 sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions.

#### **SCHEDULE 9 PLANNING ACT**

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.
2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.
3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).
4. Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.

5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.
6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.
7. Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.
8. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.
9. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.
10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:
  - i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.
  - ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.
  - iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.
  - iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.
  - v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.
11. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).
12. Section 51 is amended by repealing certain provisions respecting public meetings.
13. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.
14. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

**SCHEDULE 10**  
**SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

The *Supporting Growth and Housing in York and Durham Regions Act, 2022* is enacted. Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the

capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.

Certain orders and approvals under the *Environmental Assessment Act* are terminated, and the projects are exempted from the *Environmental Bill of Rights, 1993*.

Land required for the projects may be designated as project land, in which case certain work cannot be performed without a permit.

The Minister may require removal of obstructions to the projects.

Adjustments to the expropriation process under the *Expropriations Act* are set out, as are rules regarding compensation.

A number of the powers given to the Minister may be delegated to the Regional Municipalities of York or Durham, a lower-tier municipality or the Agency. Rules with regard to utility companies affected by the project are established.

Various provisions of an administrative nature are enacted.

**An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022**

**CONTENTS**

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	City of Toronto Act, 2006
Schedule 2	Conservation Authorities Act
Schedule 3	Development Charges Act, 1997
Schedule 4	Municipal Act, 2001
Schedule 5	New Home Construction Licensing Act, 2017
Schedule 6	Ontario Heritage Act
Schedule 7	Ontario Land Tribunal Act, 2021
Schedule 8	Ontario Underground Infrastructure Notification System Act, 2012
Schedule 9	Planning Act
Schedule 10	Supporting Growth and Housing in York and Durham Regions Act, 2022

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *More Homes Built Faster Act, 2022*.**

**SCHEDULE 1  
CITY OF TORONTO ACT, 2006**

**1 Section 111 of the *City of Toronto Act, 2006* is amended by adding the following subsection:**

**Regulations**

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.

**2 (1) Section 114 of the Act is amended by adding the following subsections:**

**Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

**Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the *Planning Act*, on a parcel of land that will contain any number of residential units.

**(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed and the following substituted:**

iv. matters relating to building construction required under a by-law referred to in section 108 or 108.1,

**(3) Subsection 114 (6) of the Act is amended by adding the following paragraph:**

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 iv of subsection (5).

**(4) Section 114 of the Act is amended by adding the following subsections:**

**Same**

(6.1) The appearance of the elements, facilities and works on the land or any adjoining highway under the City’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

. . . . .

**Same**

(20) In respect of plans and drawings submitted for approval under subsection (5) before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force,

- (a) subparagraph 2 iv of subsection (5) as it read immediately before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force continues to apply;
- (b) paragraph 1.1 of subsection (6) does not apply; and
- (c) subsection (6.1) does not apply.

**Commencement**

**3 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 2  
CONSERVATION AUTHORITIES ACT**

**1 The definition of “Minister” in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:**

“Minister” means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

**2 (1) Clause 21 (1) (c) of the Act is amended by striking out “subject to subsection (2)” and substituting “subject to subsections (2) and (4)”.**

**(2) Subsections 21 (2) and (3) of the Act are repealed and the following substituted:**

**Notice to Minister**

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition.

**Same**

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition.

**Public consultation prior to disposition**

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

- (a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;
- (b) the habitat of threatened or endangered species;
- (c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or
- (d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act.

**Length of public consultation and content of notice**

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority’s website prior to the proposed disposition shall include,

- (a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;
- (b) the proposed date of the disposition; and
- (c) the proposed future use of the lands, if known.

**Exceptions**

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
- (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
- (c) the authority informs the Minister of the disposition.

**Minister’s direction on disposition proceeds**

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1.

**3 (1) Subsection 21.1.1 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(2) Section 21.1.1 of the Act is amended by adding the following subsection:**

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

**4 (1) Subsection 21.1.2 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(2) Section 21.1.2 of the Act is amended by adding the following subsection:**

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

**5 The Act is amended by adding the following section:**

**Minister’s direction re fee changes**

**21.3 (1)** The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

**Compliance**

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

**6 (1) Section 24 of the Act is amended by adding the following subsection:**

**Terms and conditions**

(8) The Minister may impose terms and conditions on an approval given under subsection (1).

**(2) Section 24 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsection:**

**Terms and conditions**

(2) The Minister may impose terms and conditions on an approval given under subsection (1).

**7 (1) Subsection 28 (1) of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “Subject to subsections (2), (3) and (4) and section 28.1” at the beginning.**

**(2) Section 28 of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:**

**Same, *Planning Act***

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the *Planning Act*; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

**Same**

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions.

**8 (1) Clause 28.0.1 (1) (a) of the Act is repealed and the following substituted:**

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

**(2) The definition of “development project” in subsection 28.0.1 (2) of the Act is repealed and the following substituted:**

“development project” means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

**(3) Clause 28.0.1 (6) (a) of the Act is repealed and the following substituted:**

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(4) Subsection 28.0.1 (9) of the Act is repealed and the following substituted:**

**Request for Minister’s review**

(9) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

**(5) Subsection 28.0.1 (16) of the Act is amended by striking out “conditions that the authority proposes to attach to a permission” and substituting “conditions attached by the authority to a permission”.**

**(6) Clause 28.0.1 (17) (a) of the Act is repealed and the following substituted:**

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(7) Subsection 28.0.1 (19) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Appeal**

(19) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

**(8) Subsection 28.0.1 (20) of the Act is amended by striking out “proposed” and substituting “attached”.**

**(9) Section 28.0.1 of the Act is amended by adding the following subsection:**

**Same**

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

**(10) Clause 28.0.1 (28) (b) of the Act is repealed and the following substituted:**

- (b) subsection (26) or (26.1).

**(11) Subsection 28.0.1 (34) of the Act is repealed and the following substituted:**

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

**(12) Clause 28.0.1 (35) (b) of the Act is amended by adding the following subclause:**

- (i.1) limiting the types of conditions that an authority may attach to a permission under this section,

**(13) Clause 28.0.1 (35) (e) of the Act is repealed and the following substituted:**

- (e) specifying lands or development projects to which this section does not apply;
- (e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

**9 (1) Clause 28.1 (1) (a) of the Act is repealed and the following substituted:**

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(2) Clauses 28.1 (6) (a) and (b) of the Act are repealed and the following substituted:**

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- (b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock.

**(3) Subsection 28.1 (22) of the Act is amended by striking out “120” and substituting “90”.**

**10 (1) Clause 28.1.2 (1) (a) of the Act is revoked and the following substituted:**

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

**(2) The definition of “development project” in subsection 28.1.2 (2) of the Act is repealed and the following substituted:**

“development project” means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28.

**(3) Subsection 28.1.2 (5) of the Act is amended by striking out “permission” and substituting “permit”.**

**(4) Clause 28.1.2 (6) (a) of the Act is repealed and the following substituted:**

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(5) Subsection 28.1.2 (9) of the Act is repealed and the following substituted:**



### **Request for Minister's review**

(9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

**(6) Subsection 28.1.2 (11) of the Act is amended by striking out “conditions that the authority proposes to attach to a permit” and substituting “conditions attached by the authority to a permit”.**

**(7) Clause 28.1.2 (12) (a) of the Act is repealed and the following substituted:**

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

**(8) Subsection 28.1.2 (14) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

### **Appeal**

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Local Planning Appeal Tribunal to review the conditions if,

**(9) Subsection 28.1.2 (15) of the Act is amended by striking out “proposed” and substituting “attached”.**

**(10) Section 28.1.2 of the Act is amended by adding the following subsection:**

### **Same**

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into.

**(11) Subsection 28.1.2 (20) of the Act is revoked and the following substituted:**

### **Conflict**

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

**11 (1) Clause 30.2 (1.1) (a) of the Act is repealed and the following substituted:**

- (a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);

**(2) Subclause 30.2 (1.1) (b) (i) of the Act is repealed and the following substituted:**

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

**12 (1) Subclause 30.4 (1) (a) (i) of the Act is repealed and the following substituted:**

- (i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

**(2) Subclause 30.4 (1) (b) (i) of the Act is repealed and the following substituted:**

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

**13 (1) Clause 30.5 (1) (a) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is repealed and the following substituted:**

- (a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

**(2) Clause 30.5 (1) (b) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is amended by striking out “subsection 28 (3) or (4)” substituting “subsection 28 (3), (4) or (4.1)”.**

**14 (1) Subsection 40 (1) of the Act is amended by adding the following clause:**

- (g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,
  - (i) prescribing municipalities to which the exception applies,
  - (ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,

- (iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),
  - (iv) governing transitional matters resulting from an exception under subsection 28 (4.1);
- (2) **Clause 40 (3) (c) of the Act is amended by striking out “clause 21.1.1 (4) (b) and subsection 21.1.2 (2)” at the end and substituting “clauses 21.1.1 (4) (b) and 21.1.2 (3) (b)”.**
- (3) **Subsection 40 (3) of the Act is amended by adding the following clause:**
- (c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);
- (4) **Clause 40 (4) (b) of the Act is amended by striking out “may be attached” and substituting “may or may not be attached”.**
- (5) **Clause 40 (4) (c) of the Act is repealed.**
- (6) **Clause 40 (4) (e) of the Act is amended by adding the following subclause:**
- (i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;
- (7) **Clause 40 (4) (h) of the Act is repealed and the following substituted:**
- (h) specifying lands or development projects to which section 28.1.2 does not apply;
  - (h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**15 Subsection 16 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.**

**Revocation of Regulations**

**16 Ontario Regulations 97/04, 42/06, 146/06, 147/06, 148/06, 150/06, 151/06, 152/06, 153/06, 155/06, 156/06, 157/06, 158/06, 159/06, 160/06, 161/06, 162/06, 163/06, 164/06, 165/06, 166/06, 167/06, 168/06, 169/06, 170/06, 171/06, 172/06, 174/06, 175/06, 176/06, 177/06, 178/06, 179/06, 180/06, 181/06, 182/06 and 319/09 are revoked.**

**Commencement**

**17 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Sections 2 to 5 and subsections 6 (1) and 14 (3) come into force on the later of January 1, 2023 and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(3) Subsection 6 (2) comes into force on the later of the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(4) Sections 9 and 16 come into force on the later of the day section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(5) Section 10 comes into force on the later of the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(6) Section 11 comes into force on the later of the day subsection 19 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(7) Section 12 comes into force on the later of the day subsection 20 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(8) Section 13 comes into force on the later of the day section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(9) Subsections 14 (4) to (7) come into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(10) Section 7 and subsection 14 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 3  
DEVELOPMENT CHARGES ACT, 1997**

**1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:**

“rental housing development” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises; (“aménagement de logements locatifs”)

**2 (1) Subsections 2 (3) and (3.1) of the Act are repealed and the following substituted:**

**Same**

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to permit the enlargement of an existing residential unit.

**Exemption for residential units in existing rental residential buildings**

(3.1) The creation of the greater of the following in an existing rental residential building, which contains four or more residential units, is exempt from development charges:

1. One residential unit.
2. 1% of the existing residential units.

**Exemption for residential units in existing houses**

(3.2) The creation of any of the following is exempt from development charges:

1. A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
2. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

**Exemption for additional residential units in new residential buildings**

(3.3) The creation of any of the following is exempt from development charges:

1. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
2. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

**(2) Paragraph 17 of subsection 2 (4) of the Act is repealed.**

**(3) Section 2 of the Act is amended by adding the following subsection:**

**Deemed amendment of by-law**

(4.0.1) If a by-law under this section imposes development charges to pay for increased capital costs required because of increased needs for housing services, the by-law is deemed to be amended to be consistent with subsection (4) as it reads on the day subsection 2 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**3 The Act is amended by adding the following section:**

**Exemption for affordable and attainable residential units**

**Definitions**

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

“affordable residential unit” means a residential unit that meets the criteria set out in subsection (2) or (3); (“unité d’habitation abordable”)

“attainable residential unit” means a residential unit that meets the criteria set out in subsection (4). (“unité d’habitation à la portée du revenu”)

**Affordable residential unit, rented**

(2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5).
2. The tenant is dealing at arm’s length with the landlord.

**Affordable residential unit, ownership**

(3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6).
2. The residential unit is sold to a person who is dealing at arm’s length with the seller.

**Attainable residential unit**

(4) A residential unit shall be considered to be an attainable residential unit if it meets the following criteria:

1. The residential unit is not an affordable residential unit.
2. The residential unit is not intended for use as a rented residential premises.
3. The residential unit was developed as part of a prescribed development or class of developments.
4. The residential unit is sold to a person who is dealing at arm’s length with the seller.
5. Such other criteria as may be prescribed.

**Average market rent**

(5) For the purposes of paragraph 1 of subsection (2), the average market rent applicable to a residential unit is the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

**Average purchase price**

(6) For the purposes of paragraph 1 of subsection (3), the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

**Arm’s length**

(7) For the purposes of this section, in the determination of whether two or more persons are dealing at arm’s length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

**Affordable residential unit, exemption from development charges**

(8) The creation of a residential unit that is intended to be an affordable residential unit for a period of 25 years or more from the time that the unit is first rented or sold is exempt from development charges.

**Same, agreement**

(9) A person who, but for subsection (8), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (8) applies to be an affordable residential unit for a period of 25 years.

**Attainable residential unit, exemption from development charges**

(10) The creation of a residential unit that is intended to be an attainable residential unit when the unit is first sold is exempt from development charges.

**Same, agreement**

(11) A person who, but for subsection (10), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (10) applies to be an attainable residential unit at the time it is sold.

**Standard form agreement**

(12) The Minister of Municipal Affairs and Housing may establish standard forms of agreement that shall be used for the purposes of subsection (9) or (11).

**Registration of agreement**

(13) An agreement entered into under subsection (9) or (11) 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.

**Transition**

(14) Subsection (8) does not apply with respect to a development charge that is payable before the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Non-application of *Legislation Act, 2006***

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

- (a) a bulletin referred to in this section; or
- (b) a standard form of agreement established under subsection (12).

**4 The Act is amended by adding the following sections:****Exemption for non-profit housing development****Definition**

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

“non-profit housing development” means the development of a building or structure intended for use as a residential premises and developed by,

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

**Exemption**

(2) A non-profit housing development is exempt from development charges.

**Transition**

(3) Subsection (2) does not apply with respect to a development charge that is payable before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Same**

(4) For greater certainty, subsection (2) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Exemption for inclusionary zoning residential units****Exemption**

**4.3** (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Application**

(2) Subsection (1) applies in respect of residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

**5 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out “10-year period” and substituting “15-year period”.**

**(2) Section 5 of the Act is amended by adding the following subsection:**

**Transition, par. 4 of subs. (1)**

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

**(3) Paragraph 1 of subsection 5 (3) of the Act is amended by adding “except in relation to such services as are prescribed for the purposes of this paragraph” at the end.**

**(4) Paragraphs 5 and 6 of subsection 5 (3) of the Act are repealed.**

**(5) Section 5 of the Act is amended by adding the following subsection:**

**Transition**

(3.1) For greater certainty, subsection (3), as it read immediately before the day subsection 5 (4) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

**(6) Subsection 5 (6) of the Act is amended by adding the following paragraph:**

4. In the case of a development charge by-law passed on or after the day subsection 5 (6) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, the rules must provide that,
  - i. any development charge imposed during the first year that the by-law is in force is no more than 80 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
  - ii. any development charge imposed during the second year that the by-law is in force is no more than 85 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
  - iii. any development charge imposed during the third year that the by-law is in force is no more than 90 per cent of the maximum development charge that could otherwise be charged in accordance with this section, and
  - iv. any development charge imposed during the fourth year that the by-law is in force is no more than 95 per cent of the maximum development charge that could otherwise be charged in accordance with this section.

**(7) Section 5 of the Act is amended by adding the following subsections:**

**Special rule**

(7) Subsection (8) applies to a development charge imposed by a development charge by-law passed on or after January 1, 2022 and before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, unless the development charge was payable before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

**Same**

- (8) The amount of a development charge described in subsection (7) shall be reduced in accordance with the following rules:
1. A development charge imposed during the first year that the by-law is in force shall be reduced to 80 per cent of the development charge that would otherwise be imposed by the by-law.
  2. A development charge imposed during the second year that the by-law is in force shall be reduced to 85 per cent of the development charge that would otherwise be imposed by the by-law.
  3. A development charge imposed during the third year that the by-law is in force shall be reduced to 90 per cent of the development charge that would otherwise be imposed by the by-law.
  4. A development charge imposed during the fourth year that the by-law is in force shall be reduced to 95 per cent of the development charge that would otherwise be imposed by the by-law.

**Same, interpretation**

(9) For the purposes of subsections (7) and (8), a development charge is deemed to be imposed on the day referred to in subsection 26.2 (1) that applies to the development charge.

**6 (1) Subsection 9 (1) of the Act is amended by striking out “five years” and substituting “10 years”.**

**(2) Section 9 of the Act is amended by adding the following subsection:**

**Transition**

(1.1) For greater certainty, subsection (1), as it reads on and after the day subsection 6 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, does not apply with respect to a development charge by-law that, before that day, had expired pursuant to subsection (1) as it read before that day.

**7 (1) Paragraphs 1 to 3 of subsection 26.1 (2) of the Act are repealed and the following substituted:**

1. Rental housing development.
2. Institutional development.

**(2) Subsection 26.1 (3) of the Act is repealed and the following substituted:**

**Annual instalments**

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

**(3) Subsection 26.1 (7) of the Act is amended by striking out “not exceeding the prescribed maximum interest rate” at the end and substituting “not exceeding the maximum interest rate determined in accordance with section 26.3”.**

**8 (1) Subsection 26.2 (1) of the Act is amended by striking out “The total amount” at the beginning and substituting “Subject to subsection (1.1), the total amount”.**

**(2) Section 26.2 of the Act is amended by adding the following subsections:**

**Discount, rental housing development**

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

**Same, transition**

(1.2) Subject to subsection (1.3), subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before the day subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force.

**Same, exception**

(1.3) Despite subsection (7), paragraphs 1 to 3 of subsection (1.1) apply to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day that subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed for the purposes of this subsection.

**(3) Subsection 26.2 (3) of the Act is amended by striking out “at a rate not exceeding the prescribed maximum interest rate” and substituting “at a rate not exceeding the maximum interest rate determined in accordance with section 26.3”.**

**9 The Act is amended by adding the following section:**

**Maximum interest rate**

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

“adjustment date” means January 1, April 1, July 1 or October 1; (“date de rajustement”)

“average prime rate”, on a particular date, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada. (“taux préférentiel moyen”)

**Same**

(2) For the purposes of subsections 26.1 (7) and 26.2 (3), the maximum interest rate that a municipality may charge shall be determined in accordance with the following rules:

1. A base rate of interest shall be determined for April 1, 2022 and for each adjustment date after April 1, 2022 and shall be equal to the average prime rate on,
  - i. October 15 of the previous year, if the adjustment date is January 1,
  - ii. January 15 of the same year, if the adjustment date is April 1,
  - iii. April 15 of the same year, if the adjustment date is July 1, and

- iv. July 15 of the same year, if the adjustment date is October 1.
- 2. The base rate of interest in effect on a particular date shall be,
  - i. the base rate for the particular date, if the particular date is an adjustment date, and
  - ii. the base rate for the last adjustment date before the particular date, otherwise.
- 3. The maximum rate of interest that may be charged, in respect of a particular day after June 1, 2022, shall be an annual interest rate that is one percentage point higher than the base rate of interest in effect for that day.

#### **Transition**

(3) Subsection (2) does not apply in respect of a development charge that was payable before the day section 9 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

#### **10 Section 35 of the Act is amended by adding the following subsections:**

##### **Requirement to spend or allocate monies in reserve fund**

- (2) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the following services at the beginning of the year:
- 1. Water supply services, including distribution and treatment services.
  - 2. Waste water services, including sewers and treatment services.
  - 3. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.

#### **Same**

(3) If a service is prescribed for the purposes of this subsection, beginning in the first calendar year that commences after the service is prescribed and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the prescribed service at the beginning of the year.

#### **11 (1) Subsection 44 (4) of the Act is amended by striking out “Subsection 2 (3.1) and section 4” at the beginning and substituting “Subsections 2 (3.3), 4.2 (2) and 4.3 (1) and section 4”.**

(2) Subsection 44 (4) of the Act, as amended by subsection (1), is amended by adding “4.1 (8) and (10)” after “Subsections 2 (3.3)” at the beginning.

#### **12 (1) Clauses 60 (1) (b) and (b.1) of the Act are repealed.**

#### **(2) Subsection 60 (1) of the Act is amended by adding the following clauses:**

- (d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);
- (d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);

#### **(3) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);

#### **(4) Clause 60 (1) (s.2) of the Act is repealed.**

#### **(5) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (s.2.1) prescribing developments for the purposes of subsection 26.2 (1.3);

#### **(6) Subsection 60 (1) of the Act is amended by adding the following clause:**

- (s.4) prescribing one or more services for the purposes of subsection 35 (3);

#### **(7) Section 60 of the Act is amended by adding the following subsections:**

##### **Adoption by reference**

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document.

##### **Rolling incorporation by reference**

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time.

##### **Revocation**

**13 Subsections 11.1 (1) and (3) of Ontario Regulation 82/98 are revoked.**



**Commencement**

**14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Section 3, subsection 11 (2) and subsections 12 (2) and (7) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 4**  
**MUNICIPAL ACT, 2001**

**1 Section 99.1 of the *Municipal Act, 2001* is amended by adding the following subsection:**

**Regulations**

(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section.

**Commencement**

**2 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 5**  
**NEW HOME CONSTRUCTION LICENSING ACT, 2017**

**1 (1) Subsection 10 (1) of the *New Home Construction Licensing Act, 2017* is amended by striking out “regulation” and substituting “order”.**

**(2) Subsection 10 (3) of the Act is amended by striking out “a regulation” and substituting “an order”.**

**2 (1) Subsection 11 (1) of the Act is amended by striking out “regulation” wherever it appears and substituting in each case “order”.**

**(2) Subsection 11 (2) of the Act is amended by striking out “a regulation” and substituting “an order”.**

**3 Subsection 14 (3) of the Act is amended by striking out “after this section comes into force” wherever it appears and substituting in each case “after February 1, 2021”.**

**4 Paragraph 6 of section 56.1 of the Act is repealed and the following substituted:**

6. Take further action as is appropriate in accordance with this Act, including, for greater certainty, make an order under section 76 imposing an administrative penalty or refer the matter, in whole or in part, to another assessor to consider whether such an order should be made.

**5 Subsection 71 (4) of the Act is repealed and the following substituted:**

**Penalties**

(4) A person or entity that is convicted of an offence under this Act is liable to,

(a) in the case of an individual,

- (i) on the first conviction, a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, and
- (ii) on each subsequent conviction, a fine of not more than \$100,000 or imprisonment for a term of not more than two years less a day, or both; or

(b) in the case of a person or entity that is not an individual,

- (i) on the first conviction, a fine of not more than \$250,000, and
- (ii) on each subsequent conviction, a fine of not more than \$500,000.

**Same, determining subsequent conviction**

(4.0.1) For the purpose of subsection (4), a conviction of a person or entity for an offence mentioned in subsection (1), (2) or (3) is a subsequent conviction if the person or entity has a previous conviction for an offence mentioned in any of those subsections.

**6 Section 76 of the Act is repealed.**

**7 The Act is amended by adding the following section:**

**Order**

**76 (1)** An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

- (a) a prescribed provision of this Act or the regulations;
- (b) a condition of a licence, if the person is the licensee;
- (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or
- (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

**Clarification re code of ethics**

(2) For greater certainty, provisions of the code of ethics established under clause 84 (1) (f) may be prescribed for the purpose of subsection (1).

**To whom payable**

(3) An administrative penalty is payable to the regulatory authority.

**Purpose**

(4) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with the Acts, regulations and by-laws referred to in subsection (1) and the conditions of a licence.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening the Acts, regulations or by-laws referred to in subsection (1) or the conditions of a licence.

#### **Amount**

(5) Subject to subsection (6), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed \$50,000.

#### **Same, monetary benefit**

(6) The total amount of the administrative penalty referred to in subsection (5) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

#### **Form of order**

(7) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines.

#### **Service of order**

(8) The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines.

#### **Absolute liability**

- (9) An order made under subsection (1) imposing an administrative penalty against a person applies even if,
- (a) the person took all reasonable steps to prevent the contravention on which the order is based; or
  - (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

#### **No effect on offences**

(10) For greater certainty, nothing in subsection (9) affects the prosecution of an offence.

#### **Other measures**

(11) Subject to section 78, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by the Acts, regulations or by-laws referred to in subsection (1), including the application of conditions to a licence by the registrar, the suspension, immediate suspension or revocation of a licence or the refusal to renew a licence.

#### **Limitation**

(12) An order may not be made under subsection (1) more than two years after the day any assessor became aware of the contravention on which the order is based.

#### **No hearing required**

(13) Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

#### **Non-application of other Act**

(14) The *Statutory Powers Procedure Act* does not apply to an order of an assessor made under subsection (1).

#### **Transition — pre-commencement transition period**

(15) A regulation made under subclause 84 (1) (h) (0.i) and filed with the Registrar of Regulations in accordance with Part III (Regulations) of the *Legislation Act, 2006* on or before the last day of the pre-commencement transition period may prescribe a provision for the purpose of subsection (1) for all or part of the pre-commencement transition period and, for greater certainty, an assessor may impose an administrative penalty under subsection (1) for a contravention that occurred during that period.

#### **Same**

(16) In subsection (15),

“pre-commencement transition period” means the period starting on April 14, 2022 and ending on the day before section 7 of Schedule 5 to the *More Homes Built Faster Act, 2022* comes into force.

**8 Section 78 of the Act is amended by striking out “this Act” and substituting “an Act referred to in subsection 76 (1)”.**

**9 (1) Clause 84 (1) (f) of the Act is repealed and the following substituted:**

- (f) establishing a code of ethics for licensees;

**(2) Clause 84 (1) (i) of the Act is repealed and the following substituted:**

- (i) specifying the purposes for which the regulatory authority may use the funds that it collects as fines and administrative penalties;
- (i.1) requiring the regulatory authority to establish, maintain and comply with a policy, in accordance with any requirements in the regulations, to govern payments the regulatory authority makes, if any, from the funds the regulatory authority collects as fines and administrative penalties, to persons who have been adversely affected by contraventions in respect of which fines or administrative penalties can be imposed;

**(3) Section 84 of the Act is amended by adding the following subsection:**

**Regulations may require Minister's approval**

(7) A regulation made under clause (1) (i.1) may provide for any aspect of the policy required under that regulation to be subject to the approval of the Minister.

**Related repeal**

**10 Section 5 of Schedule 3 to the *More Homes for Everyone Act, 2022* is repealed.**

**Commencement**

**11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Sections 4, 5, 7 and 8 come into force on the later of the day section 75 of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 6  
ONTARIO HERITAGE ACT**

**1 Subsection 1 (2) of the *Ontario Heritage Act* is repealed.**

**2 (1) Section 25.2 of the Act is amended by adding the following subsection:**

**Minister’s review of determination**

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, and may permit the Minister to confirm or revise the determination or part of it.

**(2) Subsection 25.2 (6) of the Act is amended by adding “Subject to an order made under subsection (7)” at the beginning.**

**(3) Subsection 25.2 (7) of the Act is repealed and the following substituted:**

**Exemption re compliance**

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.
5. Such other priorities as may be prescribed.

**Not a regulation**

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

**3 (1) Section 27 of the Act is amended by adding the following subsection:**

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality’s website.

**(2) Subsection 27 (3) of the Act is repealed and the following substituted:**

**Non-designated property**

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

- (a) the council of the municipality believes the property to be of cultural heritage value or interest; and
- (b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

**Same**

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

**(3) Subsection 27 (7) of the Act is amended by adding “or a predecessor of that subsection” after “subsection (3)”.**

**(4) Subsection 27 (13) of the Act is repealed and the following substituted:**

**Application of subss. (7) and (8)**

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3).

**Removal of non-designated property**

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the

municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii).

**Same**

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register.

**Same**

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

**Consultation not required**

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16).

**Prohibition re including property in register, subss. (14) to (16)**

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

**4 (1) The French version of clause 29 (1) (a) of the Act is repealed and the following substituted:**

- (a) dans le cas où des critères permettant d'établir si un bien a une valeur ou un caractère sur le plan du patrimoine culturel ont été prescrits, le bien répond aux critères prescrits;

**(2) Subsection 29 (1.2) of the Act is repealed and the following substituted:**

**Limitation**

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

**5 (1) Subsection 41 (1) of the Act is repealed and the following substituted:**

**Designation of heritage conservation district**

(1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

- (a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and
- (b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

**(2) Section 41 of the Act is amended by adding the following subsections:**

**Amendment of by-law**

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

**Repeal of by-law**

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

**6 (1) Section 41.1 of the Act is amended by adding the following subsection:****Same**

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

**(2) Section 41.1 of the Act is amended by adding the following subsections:****Amendment of by-law**

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

**Repeal of by-law**

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

**7 (1) Paragraph 4 of subsection 42 (1) of the Act is amended by striking out “whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1)” at the end.**

**(2) Subsection 42 (3) of the Act is amended by striking out “under subsection (2)” and substituting “under subsection (2.2)”.**

**8 Subsection 70 (1) of the Act is amended by adding the following clauses:**

(i.1) prescribing criteria for the purposes of clause 27 (3) (b);

. . . . .

(k.1) prescribing criteria for the purposes of clause 41 (1) (b);

**9 Section 71 of the Act is amended by striking out “and” at the end of clause (a) and by adding the following clauses:**

(c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;

(d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*.

**Commencement**

**10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Subsection 7 (1) comes into force on the day subsection 19 (1) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.**

**(3) Sections 2 and 3, subsection 4 (2) and sections 5, 6, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.**



**SCHEDULE 7  
ONTARIO LAND TRIBUNAL ACT, 2021**

**1 Subsection 13 (4) of the *Ontario Land Tribunal Act, 2021* is amended by striking out “a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal” at the end and substituting “a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal”.**

**2 (1) Subsection 19 (1) of the Act is amended by adding the following clause:**

- (b.1) if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding;

**(2) Section 19 of the Act is amended by adding the following subsection:**

**Same**

(1.1) Subject to subsection (4), the Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding if the Tribunal is of the opinion that a party has failed to comply with an order of the Tribunal in the proceeding.

**(3) Subsection 19 (4) of the Act is amended by adding “or (1.1)” after “subsection (1)”.**

**3 Section 20 of the Act is amended by adding the following subsection:**

**Same**

(2) Subsection (1) includes the power to order an unsuccessful party to pay a successful party’s costs.

**4 (1) Subsection 29 (1) of the Act is amended by adding the following clause:**

- (c) requiring the Tribunal to prioritize the resolution of specified classes of proceedings.

**(2) Clause 29 (2) (a) of the Act is repealed and the following substituted:**

- (a) governing the practices and procedures of the Tribunal, subject to the regulations made under clause (1) (c) and other than in relation to a consolidated hearing under section 21, which may include prescribing timelines that shall apply with respect to specified steps taken by the Tribunal in specified classes of proceedings, and governing any related transitional matters;

**(3) Section 29 of the Act is amended by adding the following subsections:**

**Timelines applicable to Tribunal**

(2.1) The failure of the Tribunal to comply with any timeline prescribed under clause (2) (a) with respect to a specified step in a proceeding does not invalidate the proceeding, and is not a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal.

**Same, reporting**

(2.2) The Tribunal shall, on the Minister’s request and in the time and manner specified by the Minister, report to the Minister on such matters as may be specified by the Minister respecting the Tribunal’s compliance with any timelines prescribed under clause (2) (a).

**(4) Subsection 29 (3) of the Act is amended by striking out “or clause (2) (a)” and substituting “or clause (1) (c) or (2) (a)”.**

**Commencement**

**5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 8**  
**ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012**

**1 Section 2 of the *Ontario Underground Infrastructure Notification System Act, 2012* is amended by adding the following subsection:**

**Chair**

(4.4) The Minister may appoint a chair of the board of directors from among the members of the board.

**2 The Act is amended by adding the following sections:**

**Minister's authority to appoint administrator**

**2.3** (1) Subject to section 2.5, the Minister may, by order, appoint an individual as an administrator of the Corporation for the purposes of assuming control of it and responsibility for its activities.

**Notice of appointment**

(2) The Minister shall give the Corporation's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

**Immediate appointment**

(3) Subsection (2) does not apply if there are not enough members on the board of directors to form a quorum.

**Term of appointment**

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

**Powers and duties of administrator**

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the Corporation.

**Same**

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

**Right of access**

(7) The administrator has the same rights as the board of directors in respect of the Corporation's documents, records and information.

**Report to Minister**

(8) The administrator shall report to the Minister as the Minister requires.

**Minister's directions**

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

**No personal liability**

- (10) No action or other proceeding shall be instituted against the administrator or a former administrator for,
- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations made under this Act, a Minister's order or the appointment under subsection (1); or
  - (b) any neglect or default in the exercise or performance in good faith of a duty or power described in clause (a).

**Crown liability**

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of Corporation**

(12) Subsection (10) does not relieve the Corporation of liability to which it would otherwise be subject.

**Status of board during administrator's tenure**

**2.4** (1) On the appointment of an administrator under section 2.3, the members of the board of directors of the Corporation cease to hold office, unless the order provides otherwise.

**Same**

(2) During the term of the administrator's appointment, the powers of any member of the board of directors who continues to hold office are suspended, unless the order provides otherwise.

**No personal liability**

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the Corporation for any act, neglect or default done by the administrator or the Corporation after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

**Crown liability**

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of Corporation**

(5) Subsection (3) does not relieve the Corporation of liability to which it would otherwise be subject.

**Conditions precedent**

**2.5** The Minister may exercise the power under subsection 2.3 (1) or any other prescribed provision only if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to underground infrastructure, public safety or to the interests of the public.
2. An event of force majeure has occurred.
3. The Corporation is facing a risk of insolvency.
4. The number of members of the board of directors of the Corporation is insufficient for a quorum.

**Conflict**

**2.6** The following rules apply respecting conflicts that may arise in applying this Act:

1. This Act and its regulations prevail over the memorandum of understanding and the Corporation's by-laws and resolutions.
2. A Minister's order made under this Act prevails over the memorandum of understanding and the Corporation's by-laws and resolutions.

**3 Section 20 of the Act is amended by adding the following clauses:**

- (0.a) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (0.b) prescribing provisions for the purpose of section 2.5;

**Commencement**

**4 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**SCHEDULE 9  
PLANNING ACT**

**1 (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:**

“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
  - (i) a municipality,
  - (ii) a municipal service board established under the *Municipal Act, 2001*,
  - (iii) a city board established under the *City of Toronto Act, 2006*,
  - (iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
  - (v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”)

“specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) 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 relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)

**(2) Subsection 1 (1) of the Act is amended by adding the following definitions:**

“upper-tier municipality without planning responsibilities” means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.
8. Any other upper-tier municipality that is prescribed under subsection (6); (“municipalité de palier supérieur sans responsabilités en matière d’aménagement”)

“upper-tier municipality with planning responsibilities” means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; (“municipalité de palier supérieur avec responsabilités en matière d’aménagement”)

**(3) Subsection 1 (2) of the Act is amended by striking out “17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4)” and substituting “17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1)”.**

**(4) Section 1 of the Act is amended by adding the following subsections:****Limitation**

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

**Transition**

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal.

**(5) Section 1 of the Act is amended by adding the following subsections:****Limitation**

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

**Transition**

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that

was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 45 (12.2) or 53 (19.2) or (27.0.2).

**(6) Section 1 of the Act is amended by adding the following subsection:**

**Regulations, upper-tier municipality without planning responsibilities**

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1).

**2 (1) Subsection 8 (1) of the Act is amended by striking out “upper-tier municipality” and substituting “upper-tier municipality with planning responsibilities”.**

**(2) Subsection 8 (2) of the Act is amended by striking out “The council of a lower-tier municipality” at the beginning and substituting “The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities”.**

**3 Section 15 of the Act is repealed and the following substituted:**

**Upper-tier municipalities, planning functions**

**15 (1)** The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act.

**Same**

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

**4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:**

**Restrictions for residential units**

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**Same, parking**

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

**Same, minimum unit size**

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

**Policies of no effect**

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

**(2) Subsection 16 (15) of the Act is amended by adding “or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities” after “single-tier municipality” in the portion before clause (a).**

**(3) Subsection 16 (16) of the Act is amended by striking out “upper-tier municipality” in the portion before clause (a) and substituting “upper-tier municipality with planning responsibilities”.**

**(4) Section 16 of the Act is amended by adding the following subsections:**

### **Updating zoning by-laws**

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies.

### **Same**

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
  - i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
  - ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1).

**5 (1) Subsection 17 (2) of the Act is amended by striking out “An upper-tier municipality” at the beginning and substituting “An upper-tier municipality with planning responsibilities”.**

**(2) Subsection 17 (4) of the Act is amended by striking out “an upper-tier municipality” and substituting “an upper-tier municipality with planning responsibilities”.**

**(3) Subsections 17 (6) and (12) of the Act are amended by striking out “accompanied by a written explanation for it” wherever it appears.**

**(4) Subsection 17 (13) of the Act is repealed and the following substituted:**

### **Mandatory adoption**

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

- (a) an upper-tier municipality with planning responsibilities;
- (b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and
- (c) any other local municipality that is prescribed for the purposes of this section.

**(5) Subsection 17 (14) of the Act is amended by striking out “municipality not prescribed under subsection (13)” and substituting “local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)”.**

**(6) Subsection 17 (24.1) of the Act is repealed and the following substituted:**

### **No appeal re additional residential unit policies**

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(7) Subsection 17 (36.1) of the Act is repealed and the following substituted:**

### **No appeal re additional residential unit policies**

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**6 (1) Subsections 22 (2.1) to (2.1.2) of the Act are repealed.**

**(2) Subsection 22 (2.2) of the Act is amended by striking out “subsection (2.1), (2.1.1) or (2.1.3)” and substituting “subsection (2.1.3)”.**

**(3) Clause 22 (7.2) (c) of the Act is repealed and the following substituted:**

- (c) amend or revoke policies adopted to authorize the use of,
  - (i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,
  - (ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or
  - (iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

**7 Section 23 of the Act is repealed and the following substituted:**

**Matter of provincial interest affected by official plan**

**23 (1)** The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

**Effect or order**

(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.

**Non-application of *Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

**8 (1) Subsections 34 (10.0.0.1) and (10.0.0.2) of the Act are repealed.**

**(2) Subsection 34 (19.1) of the Act is repealed and the following substituted:**

**No appeal re additional residential unit by-laws**

- (19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,
- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(3) Subsection 34 (19.5) of the Act is amended by striking out “subsections (19.6) to (19.8)” in the portion before clause (a) and substituting “subsections (19.6) to (19.9)”.**

**(4) Subsection 34 (19.6) of the Act is amended by striking out “lower-tier municipality only if the municipality’s official plan” and substituting “lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality’s official plan”.**

**(5) Section 34 of the Act is amended by adding the following subsection:**



**Exception re non-compliance with s. 16 (20)**

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection.

**9 Subsections 35.1 (1) and (2) of the Act is repealed and the following substituted:****Restrictions for residential units**

- (1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,
  - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**Same, parking**

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

**Same, minimum area**

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

**Provisions of no effect**

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

**Regulations**

- (2) The Minister may make regulations establishing requirements and standards with respect to,
  - (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**10 (1) Section 37 of the Act is amended by adding the following subsections:****Agreement re facilities, services or matters**

(7.1) If the municipality intends to allow an owner of land to provide facilities, services or matters in accordance with subsection (6), the municipality may require the owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters.

**Registration of agreement**

(7.2) An agreement entered into under subsection (7.1) 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.

(2) **Subsection 37 (32) of the Act is amended by adding “Subject to subsection (32.1),” at the beginning.**

**(3) Subsection 37 (32) of the Act is repealed and the following substituted:**

**Maximum amount of community benefits charge**

(32) 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, multiplied by the ratio of “A” to “B” where,

“A” is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

“B” is the floor area of all buildings and structures that will be on the land after the development or redevelopment.

**(4) Section 37 of the Act is amended by adding the following subsection:**

**Discount**

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

“A” is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the floor area of all buildings that are part of the development or redevelopment.

**11 (1) Section 41 of the Act is amended by adding the following subsections:**

**Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

**Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units.

**(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed and the following substituted:**

(d) matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,

**(3) Subsection 41 (4.1) of the Act is amended by adding the following paragraph:**

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).

**(4) Section 41 of the Act is amended by adding the following subsection:**

**Same**

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

**(5) Subsection 41 (9) of the Act is repealed and the following substituted:**

**Limitations on requirement to widen highway**

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening 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.

**(6) Subsection 41 (9.1) of the Act is repealed and the following substituted:**

**Limitations on requirement to convey land**

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan.

**(7) Section 41 of the Act is amended by adding the following subsection:**

**Same**

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

- (a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;
- (b) paragraph 1.1 of subsection (4.1) does not apply; and
- (c) subsection (4.1.1) does not apply.

**12 (1) Subsection 42 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.**

**(2) Subsection 42 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.**

**(3) Section 42 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

**(4) Section 42 of the Act is amended by adding the following subsection:**

**Exception, non-profit housing development**

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

**(5) Section 42 of the Act is amended by adding the following subsection:**

**Non-application, residential units**

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

**(6) Section 42 of the Act is amended by adding the following subsections:**

**When requirement determined**

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or
- (c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.

**Same, if by-law not in effect**

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.

**Same, more than one application**

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).

**Exception, time elapsed**

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.

**Transition**

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

**(7) Subsection 42 (3) of the Act is amended by striking out “for each 300 dwelling units” and substituting “for each 600 net residential units”.**

**(8) Section 42 of the Act is amended by adding the following subsections:**

**Transition**

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment.

**Net residential units**

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment.

**(9) Section 42 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2).

**(10) Subsection 42 (3.2) of the Act is repealed.**

**(11) Section 42 of the Act is amended by adding the following subsection:**

**Transition**

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

**(12) Subsection 42 (4.1) of the Act is amended by striking out “adopting the official plan policies described in subsection (4)” and substituting “passing a by-law under this section”.**

**(13) Subsection 42 (4.3) of the Act is repealed.**

**(14) Subclause 42 (4.27) (b) (i) of the Act is amended by striking out “only” at the end.**

**(15) Section 42 of the Act is amended by adding the following subsections:**

**Identification of land re conveyance to municipality**

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section.

**Same**

(4.31) Land identified in accordance with subsection (4.30) may include,

- (a) land that is,

- (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; or
- (b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes.

#### **Agreement re interest in land**

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes.

#### **Registration of agreement**

(4.33) An agreement entered into under subsection (4.32) 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.

#### **Municipality refuses to accept identified land**

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed.

#### **Appeal**

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

#### **Record**

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, 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 are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

#### **Hearing**

(4.37) 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.

#### **Order by Tribunal**

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

- (a) be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment.

#### **Same, interest in land**

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications.

**(16) Subsection 42 (6.0.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.**

**(17) Section 42 of the Act is amended by adding the following subsection:**

#### **Same**

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment.

**(18) Section 42 of the Act is amended by adding the following subsection:**

**Requirement to spend or allocate monies in special account**

(16.1) Beginning in 2023 and in each calendar year thereafter, 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.

**13 (1) Subsections 45 (1.2) to (1.4) of the Act are repealed.**

**(2) Subsection 45 (12) of the Act is amended by striking out “the Minister or any other person or public body who has an interest in the matter” and substituting “the Minister or a specified person or public body that has an interest in the matter”.**

**(3) Section 45 of the Act is amended by adding the following subsections:**

**Transition**

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day.

**Same, retroactive effect**

(12.2) An appeal under subsection (12) made before the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates.

**Same, hearing on the merits**

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**14 The definition of “parcel of land” in subsection 46 (1) of the Act is amended by striking out “in clause 50 (3) (b) or clause 50 (5) (a)” at the end and substituting “in clause 50 (3) (b) or (d.1) or clause 50 (5) (a) or (c.1)”.**

**15 (1) Sub-subparagraph 1 ii D of subsection 47 (4.4) of the Act is repealed and the following substituted:**

D. matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,

**(2) Subsection 47 (4.11) of the Act is amended by adding the following paragraph:**

- 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).

**16 (1) Section 50 of the Act is amended by striking out “under a project approved by the Minister of Natural Resources under section 24 of the Conservation Authorities Act and in respect of which” wherever it appears and substituting in each case “and”.**

**(2) Clause (a) of the definition of “consent” in subsection 50 (1) of the Act is repealed and the following substituted:**

- (a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,
- (a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-tier municipality,

**(3) Subsection 50 (1.1) of the Act is amended by striking out “accompanied by a written explanation for it” in the portion before paragraph 1.**

**(4) Subsection 50 (3) of the Act is amended by adding the following clause:**

- (d.1) the land,
  - (i) is 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*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

- (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

**(5) Subsection 50 (5) of the Act is amended by adding the following clause:**

(c.1) the land,

- (i) is 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*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
- (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

**(6) Section 50 of the Act is amended by adding the following subsection:**

**Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)**

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

**17 (1) Section 51 of the Act is amended by striking out “A person listed in subsection (48.3)” wherever it appears and substituting in each case “A specified person”.**

**(2) Subsections 51 (5) and (5.1) of the Act are repealed and the following substituted:**

**Upper-tier municipality with planning responsibilities**

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1.

**Upper-tier municipality without planning responsibilities**

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1.

**(3) Subsection 51 (11) of the Act is amended by,**

- (a) striking out “accompanied by a written explanation for it”; and
- (b) striking out “subsection (3.1), (4), (5), (6) or (7)” and substituting “subsection (3.1), (4), (5), (5.1), (6) or (7)”.

**(4) Subsections 51 (20) to (21.1) and (48.3) of the Act are repealed.**

**18 (1) Subsection 51.1 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.**

**(2) Subsection 51.1 (1) of the Act is amended by adding “Subject to subsection (1.1),” at the beginning.**

**(3) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

**(4) Section 51.1 of the Act is amended by adding the following subsection:**

**Exception, non-profit housing development**

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

**(5) Subsections 51.1 (2) to (2.3) of the Act are repealed and the following substituted:**

**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 in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), 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 600 net residential units proposed or at such lesser rate as may be determined by the municipality.

**(6) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, net residential units**

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

**(7) Section 51.1 of the Act is amended by adding the following subsection:**

**Same, affordable residential units**

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1).

**(8) Subsection 51.1 (3.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.**

**(9) Section 51.1 of the Act is amended by adding the following subsection:**

**Transition**

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

- (a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and
- (b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies.

**(10) Subsection 51.1 (3.3) of the Act is repealed.**

**(11) Section 51.1 of the Act is amended by adding the following subsection:**

**Transition**

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

**19 (1) Subsection 53 (12.1) of the Act is repealed and the following substituted:**

**Same**

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1).

**(2) Subsection 53 (19) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.**

**(3) Section 53 of the Act is amended by adding the following subsections:**

**Transition**

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day.

**Same, retroactive effect**

(19.2) An appeal under subsection (19) made before the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates.



**Same, hearing on the merits**

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**(4) Subsection 53 (27) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.**

**(5) Section 53 of the Act is amended by adding the following subsections:**

**Transition**

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day.

**Same, retroactive effect**

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates.

**Same, hearing on the merits**

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

**Same**

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

**20 Subsection 54 (2) of the Act is repealed and the following substituted:**

**Delegation by lower-tier municipality**

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, 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 if,

- (a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or
- (b) the council of the lower-tier municipality has been delegated the authority under subsection (1).

**21 Paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted:**

- 17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;

**22 The Act is amended by adding the following section:**

**Regulations re transitional matters, 2022 amendments**

**70.12** (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) Without limiting the generality of subsection (1), a regulation made under that subsection may,

- (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.

**Conflict**

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

**Definition**

- (4) In this section,

“effective date” means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

**23 The Act is amended by adding the following section:**

**Transition, upper-tier municipalities without planning responsibilities**

- 70.13** (1) In this section,

“effective date” means,

- (a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and
- (b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force.

**Upper-tier official plans**

- (2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise.

**Official plans or amendments not yet in force**

- (3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn’t been done before the effective date:
  - i. Giving notice under subsection 17 (23).
  - ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date.

**Official plans and amendments in process**

- (4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality.

**Requests for amendments to official plan**

- (5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality.

**Forwarding of papers and other documents**

- (6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5).

**Conflict**

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date.

**Plans of subdivision**

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision.

**Consents**

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent.

**Regulations**

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date.

**Same**

- (11) Without limiting the generality of subsection (10), a regulation made under that subsection may,
- (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 (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**24 Section 26 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.**

**Commencement**

**25 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**

**(2) Subsections 1 (2), (5) and (6), sections 2 and 3, subsection 4 (2) and (3) and 5 (1) to (5), section 7, subsections 8 (4), 10 (2) and (4), 11 (5) and (6), 12 (2) and (3), (9) and (15), 16 (2) and (3), 17 (2) and (3) and 18 (2), (3) and (7) and sections 20 to 23 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**(3) Subsections 1 (4) and 16 (1) come into force on January 1, 2023.**

**SCHEDULE 10  
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

**CONTENTS**

**PART I  
INTERPRETATION**

1. Definitions

**PART II  
REVOCATIONS**

2. Revocations

**PART III  
REQUIREMENTS TO PROVIDE SEWAGE WORKS**

3. Regions to construct sewage works project  
4. Report  
5. Consultation  
6. Notification by Minister  
7. Municipalities to construct Lake Simcoe phosphorus reduction project  
8. Report  
9. Consultation  
10. Notification by Minister  
11. Agency  
12. Additional requirements

**PART IV  
EXEMPTIONS**

13. Exemption, York Region sewage works project  
14. Exemption, Lake Simcoe phosphorus reduction project

**PART V  
PROJECT LAND CONTROL  
PROJECT LAND DEVELOPMENT PERMIT**

15. Permit required  
16. Application for permits  
17. Issuance of permits  
18. Revocation, amendment and suspension

DEVELOPMENT IN PROCESS

19. Exception to permit requirement

OBSTRUCTION REMOVAL

20. Notice of obstruction removal  
21. Minister may remove obstruction  
22. Person liable unknown  
23. Advance notice  
24. Compensation  
25. Restoration  
26. Loss of compensation entitlement

CONSTRUCTION DANGER INSPECTION AND ELIMINATION

27. Construction danger inspection  
28. Construction danger elimination  
29. Informing owner afterwards  
30. Loss of compensation entitlement  
31. Compensation  
32. Restoration  
33. Reduced compensation

PREVIEW INSPECTION

34. Preview inspection  
35. Compensation  
36. Reduced compensation  
37. Advance notice

STOP-WORK ORDERS

38. Stop-work order  
39. Enforcement through court

COMPENSATION

40. Compensation  
41. Municipality or local board  
42. No expropriation, etc.

**PART VI  
EXPROPRIATION PROCESS**

- 43. Application
- 44. No hearings of necessity
- 45. Alternative process

**PART VII  
UTILITY COMPANY CO-OPERATION**

- 46. Notice to utility company
- 47. Minister may take up, remove or change the location
- 48. Compensation by Minister
- 49. Compensation by company
- 50. No expropriation, etc.

**PART VIII  
ADMINISTRATION**

DELEGATION

- 51. Delegation

DESIGNATIONS

- 52. Designating project land
- 53. Notice
- 54. No expropriation, etc.

**PART IX  
COMPLIANCE AND ENFORCEMENT**

- 55. Inspection
- 56. Powers of entry
- 57. Order for entry, work or inspection
- 58. Identification
- 59. Restoration
- 60. Detention of copies, samples
- 61. Calling for assistance of member of police force
- 62. Confidentiality of information
- 63. Successors and assigns

**PART X  
OFFENCES**

- 64. Obstruction, etc.
- 65. Offences
- 66. Penalties

**PART XI  
MISCELLANEOUS**

- 67. Capital Investment Plan Act, 1993
- 68. Providing a document
- 69. Non-application of the Statutory Powers Procedure Act
- 70. Regulations, contracts and agreements
- 71. No cause of action, Crown, etc.
- 72. No cause of action, certain delegates
- 73. Delegate not a Crown agent
- 74. Crown not liable for delegate's acts
- 75. Protection from personal liability
- 76. Aboriginal or treaty rights
- 77. No compensation or damages
- 78. Environmental Bill of Rights, 1993
- 79. Ontario Water Resources Act, s. 57
- 80. Conflict with other legislation
- 81. Regulation making powers re projects
- 82. Regulations, general
- 83. Retroactivity
- 84. Adoption by reference

**PART XII  
AMENDMENTS TO THIS ACT**

- 85. Amendments to this Act

**PART XIII  
REPEAL**

- 86. Repeal

**PART XIV  
COMMENCEMENT AND SHORT TITLE**

- 87. Commencement
- 88. Short title

**PART I  
INTERPRETATION**

**Definitions**

**1** In this Act,

- “2022 York Region Water and Wastewater Master Plan” means the master plan for York Region’s water and wastewater services titled “2022 York Region Water and Wastewater Master Plan” dated August 2022; (“2022 York Region Water and Wastewater Master Plan”)
- “aboriginal or treaty rights” means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; (“droits ancestraux ou issus de traités”)
- “Agency” means the Ontario Clean Water Agency; (“Agence”)
- “building” has the same meaning as in the *Building Code Act, 1992*; (“bâtiment”)
- “business day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*; (“jour ouvrable”)
- “construct” has the same meaning as in the *Building Code Act, 1992*; (“construire”)
- “delegate” means an entity to which a power or duty has been delegated under section 51; (“déléataire”)
- “environment” has the same meaning as in the *Environmental Assessment Act*; (“environnement”)
- “Durham Region” means the Regional Municipality of Durham; (“région de Durham”)
- “highway” has the same meaning as in the *Municipal Act, 2001*; (“voie publique”)
- “immediate danger” means a danger or hazard that,
- (a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or
  - (b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; (“danger immédiat”)
- “Lake Simcoe phosphorus reduction project” means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; (“projet de réduction du phosphore dans le lac Simcoe”)
- “Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)
- “Ministry” means the Ministry of the Minister; (“ministère”)
- “permit” means a permit issued under section 17; (“permis”)
- “person” includes a municipality; (“personne”)
- “prescribed” means prescribed by the regulations; (“prescrit”)
- “preview inspection” means an inspection under section 34; (“inspection préalable”)
- “project land” means land designated as project land under section 52; (“terre ou bien-fonds affecté à un projet”)
- “regulations” means the regulations made under this Act; (“règlements”)
- “sewage” has the same meaning as in the *Ontario Water Resources Act*; (“eaux d’égout”)
- “sewage works” has the same meaning as in the *Ontario Water Resources Act*; (“station d’épuration des eaux d’égout”)
- “stop-work order” means an order under section 38; (“arrêt de cessation des travaux”)
- “Upper York Sewage Solutions Undertaking” means the undertaking described in York Region’s Upper York Sewage Solutions Environmental Assessment Report dated July 2014; (“entreprise de solutions pour la gestion des eaux d’égout dans Upper York”)
- “utility company” means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; (“entreprise de services publics”)

“utility infrastructure” means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; (“infrastructure de services publics”)

“YDSS Central system” means the sewage works described as “YDSS Central” in the 2022 York Region Water and Wastewater Master Plan; (“portion centrale du réseau d’égout de York-Durham”)

“YDSS North system” means the sewage works described as “YDSS North” in the 2022 York Region Water and Wastewater Master Plan; (“portion nord du réseau d’égout de York-Durham”)

“York Durham Sewage System” means the sewage works described collectively as the “YDSS North, YDSS Central, YDSS South, and YDSS Primary system” in the 2022 York Region Water and Wastewater Master Plan; (“réseau d’égout de York-Durham”)

“York Region” means the Regional Municipality of York; (“région de York”)

“York Region sewage works project” means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. (“projet de station d’épuration des eaux d’égout dans la région de York”)

## **PART II REVOCATIONS**

### **Revocations**

2 (1) The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the *Environmental Assessment Act*, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.
2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the *Environmental Assessment Act*.
3. Any other prescribed document or instrument issued under the *Environmental Assessment Act* that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

### **Application withdrawn**

(2) The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the *Environmental Assessment Act* shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

### **Exception**

(3) For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the *Environmental Assessment Act*.

## **PART III REQUIREMENTS TO PROVIDE SEWAGE WORKS**

### **Regions to construct sewage works project**

3 (1) York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

### **Specific requirements**

(2) The York Region sewage works project must,

- (a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;
- (b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);
- (c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);
- (d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

- (e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and
- (f) be developed, constructed and operated in accordance with the regulations, if any.

**Consultation required, etc.**

(3) York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the York Region sewage works project until,

- (a) the report required under section 4 has been completed to the Minister's satisfaction;
- (b) the consultation required under section 5 has been completed to the Minister's satisfaction; and
- (c) any other prescribed requirements have been completed.

**Report**

4 (1) Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

**Details in report**

- (2) The report required under subsection (1) must contain details of,
  - (a) the work required to meet the requirements of section 3;
  - (b) any associated cost of the work that is required to be detailed under clause (a);
  - (c) the approvals required to meet the requirements of section 3;
  - (d) the impacts to the environment of the project and the mitigation of those impacts; and
  - (e) anything else required by the Minister.

**Report to be completed**

(3) The report required under this section must be completed before the date specified by the Minister.

**Report to be made public**

- (4) Promptly after completing the report required under this section, York Region and Durham Region shall,
  - (a) provide the report to the Minister;
  - (b) make the report publicly available on their respective websites; and
  - (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

**Revised report**

(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

**Revised report to be made public**

(6) Subsection (4) applies to a revised report required under subsection (5).

**Additional reports**

(7) The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

**Requirements for additional reports**

(8) Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Same**

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

**Additional consultation**

(10) Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Consultation**

5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.



**Commencement of consultation**

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

**Indigenous communities**

(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 4;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

**List of Indigenous communities**

(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

**Consultation to be completed**

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

**Consultation report**

(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;
- (f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

**Further consultation**

(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

**Modification**

(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

**Consultation by Minister**

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

**Notification by Minister**

6 The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 4.
2. The consultation required under section 5.

3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

### **Municipalities to construct Lake Simcoe phosphorus reduction project**

7 (1) Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

### **Municipalities that may be prescribed**

- (2) The following municipalities may be prescribed for the purposes of subsection (1):
  1. York Region.
  2. A lower-tier municipality within York Region.
  3. A lower-tier municipality within the County of Simcoe.

### **Specific requirements**

(3) The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

### **Consultation required etc.**

- (4) A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the Lake Simcoe phosphorus reduction project until,
  - (a) the report required under section 8 has been completed to the Minister's satisfaction;
  - (b) the consultation required under section 9 has been completed to the Minister's satisfaction; and
  - (c) any other prescribed requirements have been completed.

### **Report**

8 (1) Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

### **Details in report**

- (2) The report required under subsection (1) must contain details of,
  - (a) necessary work required to meet the requirements of section 7;
  - (b) any associated cost of the work that is required to be detailed under clause (a);
  - (c) the approvals required to meet the requirements of section 7;
  - (d) the impacts to the environment of the project and the mitigation of those impacts; and
  - (e) anything else required by the Minister.

### **Report to be completed**

(3) The report required under this section must be completed before the date specified by the Minister.

### **Report to be made public**

- (4) Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,
  - (a) provide the report to the Minister;
  - (b) make the report publicly available on its website; and
  - (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

### **Revised report**

(5) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

### **Revised report to be made public**

(6) Subsection (4) applies to a revised report required under subsection (5).

**Additional reports**

(7) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

**Requirements for additional reports**

(8) Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Same**

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

**Additional consultation**

(10) Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

**Consultation**

9 (1) Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

**Commencement of consultation**

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

**Indigenous communities**

(3) As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 8;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

**List of Indigenous communities**

(4) Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

**Consultation to be completed**

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

**Consultation report**

(6) Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;
- (f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

### **Further consultation**

(7) Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

### **Modifications**

(8) The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

### **Consultation by Minister**

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

### **Notification by Minister**

**10** The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 8.
2. The consultation required under section 9.
- 3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

### **Agency**

**11** (1) The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

### **Requirements**

(2) An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

### **Requirements under regulations**

(3) Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

### **Same**

(4) Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

### **Same**

(5) Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

### **Agency's powers**

(6) For greater certainty, if an order is issued under this section, section 12 of the *Ontario Water Resources Act* applies.

### **Agency to act for municipality for approval of Tribunal**

(7) Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

### **Delegation of authority**

(8) Section 50 of the *Capital Investment Plan Act, 1993* applies with necessary modifications to anything the Agency is required to do under this Act.

### **Prohibition**

(9) If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

### **Payment of Agency costs**

(10) A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.

### **Municipalities may raise money for costs**

(11) For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

### **Settlement of disputes re costs**

(12) In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

### **Costs of arbitrator**

(13) The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

### **Arbitration procedure**

(14) Except as otherwise provided in this section, the *Municipal Arbitrations Act* applies to any arbitration under subsection (12).

### **Additional requirements**

#### **Powers of Minister**

**12** (1) The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

#### **Powers of Agency**

(2) Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

## **PART IV EXEMPTIONS**

### **Exemption, York Region sewage works project**

**13** The following are exempt from the *Environmental Assessment Act*:

1. The York Region sewage works project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

### **Exemption, Lake Simcoe phosphorus reduction project**

**14** The following are exempt from the *Environmental Assessment Act*:

1. The Lake Simcoe phosphorus reduction project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

## **PART V PROJECT LAND CONTROL**

### **PROJECT LAND DEVELOPMENT PERMIT**

#### **Permit required**

**15** (1) No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.
2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.
3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.
5. Prescribed work.
6. Work that is subject to a notice under subsection 19 (2).

**Exception**

(2) Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

**Crown**

(3) This section does not apply to the Crown.

**Exception, emergencies**

(4) A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

**Notification**

(5) A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

**Application for permits**

**16** (1) An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

**Additional requirements**

(2) The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

**Issuance of permits**

**17** (1) After considering an application for the issuance of a permit, the Minister may,

- (a) issue a permit with or without conditions; or
- (b) refuse to issue a permit.

**Submissions**

(2) A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

**Confirmation, etc.**

(3) After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

- (a) confirm the permit issued or the refusal to issue the permit;
- (b) re-issue the permit with amended conditions; or
- (c) revoke the permit.

**Amendment application**

(4) A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

**Amendment decision**

(5) After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

- (a) amend the permit; or
- (b) refuse to amend the permit.

**Terms and conditions**

(6) A permit is subject to any terms and conditions that may be prescribed.

**Revocation, amendment and suspension**

**18** (1) The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

- (a) a stop-work order has been issued in respect of any work subject to the permit; or
- (b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

**Notice**

(2) Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

**Submissions**

(3) The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

**Confirmation, etc.**

(4) After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

## DEVELOPMENT IN PROCESS

**Exception to permit requirement**

**19** (1) Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

**Imposition of requirement**

(2) Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

**Requirement in notice**

(3) The notice issued under subsection (2) shall be in writing and shall include the following information:

1. A description of the work to be completed.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
4. Contact information for further information about the notice.

**Submissions**

(4) A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

**Extension**

(5) After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

## OBSTRUCTION REMOVAL

**Notice of obstruction removal**

**20** (1) Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

**Application**

(2) Subsection (1) applies regardless of whether a permit was required in respect of the thing.

**Exception**

- (3) A notice under subsection (1) shall not be issued in respect of,
- (a) utility infrastructure; or
  - (b) a highway that belongs to the Crown or other Crown property.

**Requirements for notice**

- (4) A notice issued under subsection (1) shall be in writing and include the following information:
1. A description of the thing to be altered or removed.
  2. The date by which the removal or alteration must be completed.
  3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.
  4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
  5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.
  6. Contact information for further information about the notice.

**Submissions**

- (5) A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

**Minister's decision**

- (6) After considering any submissions provided under subsection (5), the Minister may, in writing,
- (a) confirm the issuance of the notice;
  - (b) issue an amended notice; or
  - (c) revoke the notice issued under subsection (1).

**Date of amended notice**

- (7) If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

**Minister may remove obstruction**

**21** (1) Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

- (a) the person required by the notice to do the work,
  - (i) has not completed the work, or in the Minister's opinion is not likely to complete the work, within the time specified in the notice,
  - (ii) in the Minister's opinion, is not conducting or has not completed the work in a competent manner, or
  - (iii) requests the assistance of the Minister in complying with the notice; or
- (b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

**Notice of intent to cause things to be done**

- (2) The Minister shall give notice of an intention to cause work to be done under subsection (1),
- (a) to each person required by a notice issued under section 20 to remove an obstruction; and
  - (b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

**Permission required**

- (3) A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

**Person liable unknown**

**22** Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.



**Advance notice**

**23** (1) The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

**Contents**

(2) The notice shall be in writing and include the date and approximate time of the work.

**Additional requirement**

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

**Compensation**

**24** (1) Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

**Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.
2. The value of any thing that was required to be removed under the notice.
3. The value of the part of the thing that was altered or removed pursuant to the notice.
4. Any damage to the person's property necessary to carry out the work required under the notice.

**Exception**

(3) Subsection (2) does not apply to anything restored pursuant to section 25.

**Restoration**

**25** (1) If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

**Exception**

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Loss of compensation entitlement**

**26** (1) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

**Where laws not complied with**

(2) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

## CONSTRUCTION DANGER INSPECTION AND ELIMINATION

**Construction danger inspection**

**27** (1) The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

**Exception**

(2) Subsection (1) does not apply in respect of,

- (a) utility infrastructure; or
- (b) a highway that belongs to the Crown or other Crown property.

**Additional requirement**

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

### **Construction danger elimination**

**28** (1) If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

#### **Advance notice**

(2) The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

#### **Additional requirement**

(3) Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

#### **Informing owner afterwards**

**29** As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

- (a) the inspection;
- (b) any work undertaken to eliminate an immediate danger;
- (c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and
- (d) the procedure for determining compensation.

#### **Loss of compensation entitlement**

**30** Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

#### **Compensation**

**31** (1) Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

#### **Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

1. The value of any thing that was eliminated.
2. The value of any part of the thing that was eliminated.
3. Any other damage to the person's property resulting from the work carried out.

#### **Exception**

(3) Subsection (2) does not apply to anything restored pursuant to section 32.

#### **Restoration**

**32** (1) The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

#### **Exception**

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

#### **Reduced compensation**

**33** The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person's property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

## **PREVIEW INSPECTION**

#### **Preview inspection**

**34** (1) The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

- (a) making records of the property and surrounding area; and

- (b) taking samples and conducting tests.

**Exception**

- (2) Clause (1) (b) does not apply in respect of utility infrastructure.

**Same**

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

**Compensation**

**35** (1) Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

**Where compensation payable**

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

**Reduced compensation**

**36** The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Advance notice**

**37** (1) The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

**Additional requirement**

- (2) Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

**Contents**

(3) The notice shall be in writing and include the following information:

1. The intended date and approximate time of the inspection.
2. The approximate duration of the inspection.
3. The purpose of the inspection.
4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.
5. Contact information for further information.

**STOP-WORK ORDERS**

**Stop-work order**

**38** (1) The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

- (a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or
- (b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Information to be included in order**

(2) The stop-work order shall include,

- (a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);
- (b) a brief description of the work that is required to be stopped and its location; and
- (c) the consequences of failing to comply with the order, including the associated offence and potential fine.

**Exception**

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

**Enforcement through court**

39 A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

**COMPENSATION****Compensation**

40 (1) This section sets out the procedure for determining any compensation payable under this Part.

**Particulars**

(2) A person applying to the Minister for compensation shall provide proof of the person's interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

**Determination**

(3) After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

**Notice**

(4) The Minister shall notify the person who applied to the Minister of the Minister's determination under subsection (3).

**Compensation dispute**

(5) A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

**Order by the Tribunal**

(6) The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

**Exception to interest**

(7) Despite subsection (6),

- (a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and
- (b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

**Municipality or local board**

41 No compensation is payable under this Part to a municipality or a local board within the meaning of the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

**No expropriation, etc.**

42 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART VI  
EXPROPRIATION PROCESS****Application**

43 This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

**No hearings of necessity**

44 (1) Subsections 6 (2) to (5) and sections 7 and 8 of the *Expropriations Act* do not apply to any expropriation of land within the meaning of that Act if,

- (a) all or part of the land is project land; and
- (b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Approving authority**

(2) An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the *Expropriations Act* in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications

as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

**Consideration of comments**

(3) Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

**This section prevails**

(4) This section applies despite subsection 2 (4) of the *Expropriations Act*.

**Alternative process**

45 (1) The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the *Expropriations Act* that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Publication**

(2) The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

**PART VII  
UTILITY COMPANY CO-OPERATION**

**Notice to utility company**

46 (1) The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**Requirements for notice**

(2) The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.
4. Contact information for further information about the notice.

**Submissions**

(3) The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

**Minister's decision**

(4) After considering any submissions provided under subsection (3), the Minister may, in writing,

- (a) confirm the notice;
- (b) issue an amended notice; or
- (c) revoke the notice.

**Date in amended notice**

(5) If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

**Minister may take up, remove or change the location**

47 (1) Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

**Notice of intent to cause work to be done**

(2) The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

**Contents**

(3) A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

### **Compensation by Minister**

**48** If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

### **Compensation by company**

**49** (1) If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

### **Includes cost of work**

(2) For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

### **No expropriation, etc.**

**50** Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

## **PART VIII ADMINISTRATION**

### **DELEGATION**

#### **Delegation**

**51** (1) The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.
2. Durham Region.
3. A municipality prescribed for the purposes of subsection 7 (1).
4. The Agency.

#### **Compensation**

(2) If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

### **DESIGNATIONS**

#### **Designating project land**

**52** The Lieutenant Governor in Council may, by order,

- (a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and
- (b) amend or revoke a designation made under clause (a) at any time.

#### **Notice**

**53** (1) When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

- (a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;
- (b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and
- (c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

#### **Registration**

(2) The Minister shall either,

- (a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or
- (b) carry out a prescribed public notice process with respect to the property described in clause (a).

**No expropriation, etc.**

54 The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART IX  
COMPLIANCE AND ENFORCEMENT**

**Inspection**

55 (1) An enforcement officer may conduct an inspection of a place for the purpose of determining any person's compliance with this Act or the regulations if the enforcement officer reasonably believes that,

- (a) the place contains documents or data relating to the person's compliance; or
- (b) an activity relating to the person's compliance is occurring or has occurred at the place.

**Designation of enforcement officers**

(2) The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or the members of classes of such public servants.
2. Any other persons or the members of any other classes of persons.

**Restriction**

(3) When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

**Powers of entry**

56 (1) The powers of entry provided under this section apply to a person undertaking the following:

1. Work undertaken under section 21 or 22.
2. An inspection undertaken under section 27.
3. Work undertaken under section 28 or 47.
4. A preview inspection under section 34.
5. An inspection undertaken pursuant to section 55.

**Entry without warrant**

(2) A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

**Restriction**

(3) Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

**Dwellings**

(4) A person shall not exercise a power conferred by this section to enter, without the occupier's consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

**Time of day**

(5) Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

**Dwellings**

(6) Entry to a place and any related work or inspection on property that contains a dwelling shall take place,

- (a) at any time during daylight hours after having given the occupier at least two days notice; or
- (b) at any other time with the occupier's consent.

**Powers**

(7) A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

- (a) undertake work;

- (b) make reasonable inquiries of any person, orally or in writing;
- (c) take samples for analysis;
- (d) conduct tests or take measurements;
- (e) make a record of anything by any method;
- (f) examine, record or copy any document or data, in any form, by any method;
- (g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and
- (h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

#### **Limitation**

(8) A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

#### **Records in electronic form**

(9) If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

#### **Limitation re removal of documents**

(10) A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

#### **Power to exclude persons**

(11) A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

#### **Order for entry, work or inspection**

**57** (1) A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

- (a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person's compliance with this Act or the regulations; and
- (b) the person may not be able to carry out his or her duties effectively without an order under this section because,
  - (i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,
  - (ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),
  - (iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,
  - (iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or
  - (v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

#### **Same**

(2) Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

#### **Expiry**

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

#### **Renewal**

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

#### **When to be executed**

(5) Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.



**Application without notice**

(6) An order under this section may be issued or renewed on application without notice.

**Application for dwelling**

(7) An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

**Other terms and conditions**

(8) An order may contain terms and conditions that the justice considers advisable in the circumstances.

**Identification**

**58** On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

**Restoration**

**59** (1) If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

**Exception**

(2) Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

**Detention of copies, samples**

**60** A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

**Calling for assistance of member of police force**

**61** A person who enters a place to exercise a power of inspection and who is authorized by an order under section 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of a police force to render the assistance.

**Confidentiality of information**

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

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; (“procédure d’exécution de la loi”)

“peace officer” means a person or a member of a class of persons set out in the definition of “peace officer” in section 2 of the *Criminal Code* (Canada). (“agent de la paix”)

**Secrecy and permissible disclosure**

(2) A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

- (a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;
- (b) to the Minister, the Ministry or an employee or agent of the Ministry;
- (c) to a delegate or an employee or agent of the delegate;
- (d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (e) with the consent of the person to whom the information relates;
- (f) to the counsel of the person to whom the information relates;
- (g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or
- (h) under further circumstances that are prescribed.

**Testimony in civil suit**

(3) Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

**Successors and assigns**

**63** (1) A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

**Limitation**

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

**Receivers and trustees**

(3) A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

**Limitation**

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets.

**Exception**

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

- (a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or
- (b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

**Extension of period**

(6) The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

**Notice under subs. (5)**

(7) Notice under clause (5) (a) or (b) must be given in the prescribed manner.

**PART X  
OFFENCES**

**Obstruction, etc.**

**64** (1) No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

**False information**

(2) No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

**Same**

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

**Refusal to provide information**

- (4) No person shall refuse to provide information required for the purpose of this Act or the regulations to,
- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
  - (b) a delegate or an officer, employee or agent of a delegate.

**Offences**

**65** (1) Every person who contravenes or fails to comply with section 64 is guilty of an offence.

**Offence re orders**

(2) Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

**Limitation**

(3) No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the *Provincial Offences Act*.

**Penalties**

**66** A person who is guilty of an offence under section 65 is liable on conviction,

- (a) in the case of an individual,
  - (i) for a first offence, to a fine of not more than \$50,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
  - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$100,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences; or
- (b) in the case of a corporation,
  - (i) for a first offence, to a fine of not more than \$500,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
  - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$1,000,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences.

**PART XI  
MISCELLANEOUS**

***Capital Investment Plan Act, 1993***

**67** Section 51 of the *Capital Investment Plan Act, 1993* does not apply to work undertaken under this Act by or on behalf of the Minister.

**Providing a document**

**68** (1) Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

- (a) delivered directly to the person;
- (b) left at the person's last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;
- (c) sent by regular mail to the person's last known address;
- (d) sent by commercial courier to the person's last known address;
- (e) sent by email to the person's last known email address; or
- (f) given by other means specified by the regulations.

**Deemed receipt**

(2) Subject to subsection (3),

- (a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;
- (b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;
- (c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

- (d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and
- (e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

**Failure to receive document**

(3) Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

**Non-application of the *Statutory Powers Procedure Act***

**69** The *Statutory Powers Procedure Act* does not apply to,

- (a) any decision made,
  - (i) in respect of permits, notices or stop-work orders under Part V,
  - (ii) under a process for receiving and considering comments about a proposed expropriation under section 45,
  - (iii) in respect of a notice under Part VII, or
  - (iv) in respect of compensation under this Act; or
- (b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

**Regulations, contracts and agreements**

**70** (1) The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

**What regulation may contain**

- (2) A regulation made under subsection (1) may,
  - (a) terminate the prescribed contract on a date provided for in the regulation;
  - (b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and
  - (c) amend all or part of the prescribed contract as specified in the regulation.

**Deemed termination, suspension, amendment**

(3) A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

**No compensation**

(4) Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

**No cause of action, Crown, etc.**

**71** (1) No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

- (a) the enactment, amendment or repeal of this Act;
- (b) anything done under Part III;
- (c) the making, amendment or revocation of a regulation under this Act;
- (d) the issuance, amendment or revocation of a permit or notice under Part V;
- (e) the issuance, amendment or revocation of a stop-work order under section 38;
- (f) the making, amendment or revocation of an order designating project land under section 52;
- (g) the enactment or repeal of the *York Region Wastewater Act, 2021*;
- (h) anything done or not done under the authority of or in reliance on the *York Region Wastewater Act, 2021*, whether before or after section 4 of that Act came into force; or
- (i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the *York Region Wastewater Act, 2021* came into force.

**Proceedings barred**

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

**Application**

(3) Subsection (2) 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 any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

**Retrospective effect**

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

**Proceedings set aside**

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

**No cause of action, certain delegates**

**72** (1) No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

**Proceedings barred**

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

**Application**

(3) Subsection (2) 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 any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

**Delegate not a Crown agent**

**73** A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

**Crown not liable for delegate's acts**

**74** No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

**Protection from personal liability**

**75** (1) No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent of or advisor to the Crown.
2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

**Crown not relieved of liability**

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraph 1 of subsection (1) to which it would otherwise be subject.

**Delegates**

(3) Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

**Aboriginal or treaty rights**

**76** Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

### **No compensation or damages**

77 Except as otherwise provided under sections 24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

### ***Environmental Bill of Rights, 1993***

78 Part II of the *Environmental Bill of Rights, 1993* does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

### ***Ontario Water Resources Act, s. 57***

79 Section 57 of the *Ontario Water Resources Act* does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

### **Conflict with other legislation**

80 In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

### **Regulation making powers re projects**

- 81 (1) The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,
- (a) the York Region sewage works project; and
  - (b) the Lake Simcoe phosphorus reduction project.

### **Matters that may be included**

- (2) Without limiting the generality of subsection (1), a regulation made under that subsection may include,
- (a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;
  - (b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;
  - (c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;
  - (d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;
  - (e) requirements that all or part of the project be within a specified area;
  - (f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;
  - (g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;
  - (h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;
  - (i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;
  - (j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;
  - (k) the governance of the winding up of the Agency's role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

### **Regulations, general**

- 82 The Lieutenant Governor in Council may make regulations,
- (a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;
  - (b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;
  - (c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;
  - (d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;
  - (e) respecting and clarifying the application of this Act with respect to a delegate;

- (f) respecting the process of applying for and issuing permits, notices and orders;
- (g) respecting the inclusion of terms and conditions in permits and notices;
- (h) respecting the process for and payment of compensation under this Act, including,
  - (i) rules to be applied in determining the amount of compensation payable,
  - (ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and
  - (iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;
- (i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;
- (j) prescribing the location at which documents or data must be created or stored;
- (k) providing for the inspection and examination of documents and data;
- (l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;
- (m) providing for forms and their use;
- (n) providing for the method of providing any document required to be provided given or served under this Act;
- (o) respecting transitional matters arising from the enactment of this Act;
- (p) providing for any other matters to carry out this Act.

#### **Retroactivity**

**83** A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

#### **Adoption by reference**

**84** (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

#### **Rolling incorporation by reference**

(2) The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

#### **When adopted**

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the *Environmental Bill of Rights, 1993*.

### **PART XII AMENDMENTS TO THIS ACT**

#### **Amendments to this Act**

**85** (1) Subsection 44 (1) of this Act is amended by striking out “7 and 8” in the portion before clause (a) and substituting “7, 8 and 8.1”.

(2) Section 61 of this Act is repealed and the following substituted:

#### **Calling for assistance of member of police service**

**61** A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance.

### **PART XIII REPEAL**

#### **Repeal**

**86** The *York Region Wastewater Act, 2021* is repealed.

**PART XIV  
COMMENCEMENT AND SHORT TITLE**

**Commencement**

**87 (1)** Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**(2)** Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

**(3)** Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the *Accelerating Access to Justice Act, 2021* comes into force.

**(4)** Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

**Short title**

**88** The short title of the Act set out in this Schedule is the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.



Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
70 ELIZABETH II, 2021

# Bill 276

*(Chapter 25 of the Statutes of Ontario, 2021)*

## **An Act to enact and amend various Acts**

**The Hon. P. Sarkaria**

Associate Minister of Small Business and Red Tape Reduction

1st Reading	April 15, 2021
2nd Reading	April 26, 2021
3rd Reading	June 3, 2021
Royal Assent	June 3, 2021



## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 276 and does not form part of the law. Bill 276 has been enacted as Chapter 25 of the Statutes of Ontario, 2021.*

### **SCHEDULE 1 CLASS PROCEEDINGS ACT, 1992**

The Schedule amends the *Class Proceedings Act, 1992*. Clause 29.1 (1) (c) of the Act is re-enacted to remove the requirement that the court order the proceeding not be dismissed as one of the elements to the exception to the court's obligation to dismiss a proceeding for delay. The Schedule also amends the French version of clause 29.1 (1) (b) of the Act to make it consistent with the English version of the Act.

### **SCHEDULE 2 CORPORATIONS ACT**

The Schedule amends section 335 of the *Corporations Act* to clarify that the replacement provision for section 125.1 of the Act set out in Schedule 2 to the Act is to be read without the reference to section 117 after section 117 is repealed. The Schedule also makes a related amendment to the *Cutting Unnecessary Red Tape Act, 2017* to allow the repeal of section 125.1 of the Corporations Act to come into force on a date to be named by proclamation.

### **SCHEDULE 3 EDUCATION ACT**

The *Education Act* is amended to provide that the Minister has certain powers relating to the establishment of demonstration schools for exceptional pupils whose learning disabilities are such that a demonstration school program is required. The Act currently provides that the learning disabilities must be such that a residential setting is required.

The Schedule also amends the Act to add authority for the Lieutenant Governor in Council to make regulations regarding meetings held by the Centre Jules-Léger Consortium. The Act is amended to repeal sections 8 and 9 of Schedule 1 to the Act.

### **SCHEDULE 4 ELECTION ACT**

The *Election Act* is amended so that nomination papers for prospective candidates no longer have to name an auditor, but do have to provide the names of the persons who can accept contributions on behalf of the candidate and the financial institutions that will accept the deposits of contributions.

### **SCHEDULE 5 ELECTRICITY ACT, 1998**

The Schedule repeals provisions of the *Electricity Act, 1998* that require priority connection access to renewable energy generation facilities and the provision of information about a distribution system's or transmission system's ability to accommodate generation from a renewable energy generation facility. A related regulation making power is also repealed.

### **SCHEDULE 6 EMPLOYMENT STANDARDS ACT, 2000**

The *Employment Standards Act, 2000* is amended to provide that an employment standards officer may require an employer to conduct an examination of the employer's records, practices or both in relation to one or more provisions of the Act or the regulations. The employment standards officer may require the employer to provide specified information, including information about whether the employer has complied with the Act and the regulations and whether employees are owed wages and if so, the amounts owed. The current provisions in the Act respecting self-audits by employers are repealed.

Currently, an employer may only deposit wages for an employee at a financial institution if, among other conditions, an office or facility of the financial institution is located within a reasonable distance from the location where the employee usually works, unless the employee agrees otherwise. The Schedule repeals that condition.

### **SCHEDULE 7 FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT ACT, 1996**

The Schedule amends the *Family Responsibility and Support Arrears Enforcement Act, 1996* in respect of various issues. Section 7 of the Act is amended to grant discretion to the Director to refuse to enforce a support order or support deduction order, or any part of such support order or support deduction order. Sections 8 and 8.2 of the Act are amended to permit the recipient to terminate a support obligation provided for in a support order or support deduction order by giving notice to the Director.

The Act is also amended to include a new section 8.1.1, which provides the Director with discretion to discontinue enforcement or enforce a lesser amount of support with respect to a support order or support deduction order that pertains to a child who has

reached the age of majority if certain conditions are met. Under subsection 8.1.1 (2), the Director may resume enforcement or reinstate the amount enforced before the reduction upon receipt of a written response from the recipient.

Finally, the Act is amended to include new subsections 50 (3), (4) and (5). Subsection 50 (3) permits the Director to serve a document issued by another Canadian jurisdiction on a person in Ontario for the purpose of attaching the income or funds referred to in that document if certain conditions are met. Subsection 50 (4) requires that the document be served in the same manner as a notice of support deduction order under the Act. Subsection 50 (5) provides that once a document is served, it has the same force and effect and may be dealt with in the same manner as a notice of support deduction order under the Act.

**SCHEDULE 8  
FISH AND WILDLIFE CONSERVATION ACT, 1997**

The Schedule amends section 112 of the *Fish and Wildlife Conservation Act, 1997* to clarify the regulation-making power to require holders of licences and authorizations under the Act to complete and submit reports to the Minister at such time as may be prescribed. In addition, the amendment adds a power to make regulations requiring the holder of a hunting licence who fails to submit a report at the prescribed time to pay a penalty in the amount prescribed.

**SCHEDULE 9  
FRENCH LANGUAGE SERVICES ACT**

The Schedule amends the definition of “government agency” in the *French Language Services Act* to permit the designation of municipal homes and joint homes as public service agencies.

**SCHEDULE 10  
JUSTICES OF THE PEACE ACT**

The Schedule amends clause 8 (3) (f) of the *Justices of the Peace Act* respecting the composition of the Justices of the Peace Review Council so that any licensees under the *Law Society Act* may be eligible for appointment to the Council, rather than just lawyers.

**SCHEDULE 11  
LABOUR RELATIONS ACT, 1995**

A technical amendment is made to the French version of section 102 of the *Labour Relations Act, 1995*.

**SCHEDULE 12  
LAW SOCIETY ACT**

Subsection 48 (1) of the *Law Society Act*, which provides for circumstances in which a licensee’s licence may be summarily revoked, is amended to add the circumstance that a suspension order made against the licensee under clause 45 (3) (b) or (c) of the Act is still in effect after 24 months.

**SCHEDULE 13  
LIQUOR LICENCE AND CONTROL ACT, 2019**

The Schedule makes various amendments to the *Liquor Licence and Control Act, 2019*, which is not yet in force, including the following:

1. The definition of “wine” in subsection 1 (1) of the Act is re-enacted to specify that it is subject to regulations that may clarify the meaning of the term, and to distinguish between the natural sugars contained in fruit versus in other agricultural products such as honey.
2. Subsection 3 (4) of the Act is amended to permit additional ineligibility criteria for a licence to be added by regulations made under the Act.
3. Section 13 of the Act is amended to permit the Registrar to suspend a licence without issuing a proposal to do so, if the Registrar considers it to be necessary in the public interest. The licence holder’s entitlement to a hearing respecting the suspension is retained.
4. Section 16 of the Act, which deals with permits, is amended to make the section more consistent with corresponding provisions respecting licences.

**SCHEDULE 14  
MINING ACT**

The Schedule amends the *Mining Act* to add a requirement for the Provincial Recording Office to maintain a licence of occupation registry in addition to its existing duty to maintain a mining claims registry. Complementary amendments are made to various provisions of the Act to reflect the addition of the new registry. As well, various provisions are amended to add express reference to licences of occupation.

In addition, section 52 of the Act is amended respecting the sale of the end product of the mining, milling or refining of more than a specified quantity of mineral bearing substance from an unpatented mining claim for the purpose of testing mineral

content, as permitted by the Minister under subsection 52 (1). Under subsection 52 (3), the sale or disposition of the end product is prohibited until the mining claim from which the minerals were taken is leased under the Act. This prohibition is subject to an exception in subsection 52 (4), where the Minister may give written permission for such sale or disposition. The Schedule adds a subsection 52 (5) so that additional circumstances in which such sale or disposition is permitted may be prescribed by regulations made under the Act, and the regulations may also govern the sale or disposition.

Finally, a number of corrections are made to the French version of the Act.

**SCHEDULE 15  
MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020**

The *Modernizing Ontario for People and Businesses Act, 2020* is amended to repeal the term “administrative cost” and enact the terms “direct compliance cost” and “broader public sector organization”. Related and consequential amendments are made.

**SCHEDULE 16  
NORTHERN ONTARIO SCHOOL OF MEDICINE UNIVERSITY ACT, 2021**

The *Northern Ontario School of Medicine University Act, 2021* is enacted, which continues the Northern Ontario School of Medicine as the Northern Ontario School of Medicine University. The Act provides that the University may grant the degrees prescribed by regulation and other degrees that it may be authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*. Various other provisions and regulation-making powers are also enacted regarding the administration of the University.

**SCHEDULE 17  
NOT-FOR-PROFIT CORPORATIONS ACT, 2010**

A new Part XVI is added to the *Not-for-Profit Corporations Act, 2010* to provide that certain provisions of the Act are temporarily suspended and that replacement provisions apply during the temporary suspension period. The replacement provisions are set out in a new Schedule 1 to the Act. The replacement provisions address, among other things, the holding of meetings of members and directors by telephonic or electronic means and voting at meetings by alternate means.

The temporary suspension period for each section of Schedule 1 is the period that begins on the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and ends on December 31, 2021 and, if the regulations so provide for a particular section, a further prescribed period of time immediately following December 31, 2021. A new Part XVII is added to the Act to address transitional matters in connection with the application of Schedule 1.

Several housekeeping amendments are made to the Act as a consequence of certain provisions being repealed.

**SCHEDULE 18  
ONTARIO DRUG BENEFIT ACT**

The provisions of the *Ontario Drug Benefit Act* requiring the establishment of a Pharmacy Council and a Citizens’ Council are repealed.

**SCHEDULE 19  
ONTARIO ENERGY BOARD ACT, 1998**

The Schedule amends two provisions of the *Ontario Energy Board Act, 1998*:

1. Subsection 70 (2.1) of the Act sets out conditions that are deemed to apply to every licence issued to a transmitter or distributor. The subsection is amended to remove a condition requiring a licensee to provide priority connection access to its transmission system or distribution system for specified renewable energy generation facilities.
2. Subsection 96 (2) of the Act sets out a limited list of factors that the Board may consider when it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest. Promotion of the use of renewable energy sources is removed from the list.

**SCHEDULE 20  
ONTARIO IMMIGRATION ACT, 2015**

Various amendments are made to the *Ontario Immigration Act, 2015*, including amendments to provide for the following:

1. A person licensed as an immigration and citizenship consultant in good standing under the *College of Immigration and Citizenship Consultants Act (Canada)* may act as a representative.
2. An inspector’s power to enter premises applies in respect of employers who have applied for an approval and persons who are applicants in a category for entrepreneurs or who have been approved in such a category.
3. The time for requesting an internal review of a decision or order is 30 days in all cases.

**SCHEDULE 21**  
**ONTARIO WORKS ACT, 1997**

The Schedule amends the *Ontario Works Act, 1997*.

The Schedule changes the definition of employment assistance to employment and life stabilization assistance and makes related amendments. Amendments are made to sections 19 and 22.1 to update the rules related to overpayments.

Subsection 38 (1) of the Act is amended to provide that the Ministry can be designated as a delivery agent for a geographic area. Certain amendments to the Act are made to set out how those provisions apply in geographic areas in which the Ministry is or is not the delivery agent. With respect to geographic areas in which the Ministry is the delivery agent, new section 50 of the Act provides that a delivery partner can be designated to exercise prescribed powers and duties. New sections 50.1 and 50.2 are added setting out rules related to delivery partners. Various amendments to the Act are made to reflect that certain provisions that applied to delivery agents will also apply to delivery partners. Several amendments are made to the regulation-making powers set out in subsections 74 (1) and (2).

The Schedule repeals Schedule D to the *Social Assistance Reform Act, 1997*. Consequential and other amendments are also made to the *District Social Services Administration Boards Act*, the *Insurance Act* and the *Ontario Disability Support Program Act, 1997*.

**SCHEDULE 22**  
**OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, 2019**

The *Opioid Damages and Health Care Costs Recovery Act, 2019* is amended to reflect the addition of home and community care services to the *Connecting Care Act, 2019* and the repeal of the *Home Care and Community Services Act, 1994*.

**SCHEDULE 23**  
**PLANNING ACT — AMENDMENTS PROPOSED BY THE MINISTRY OF ENERGY,  
NORTHERN DEVELOPMENT AND MINES**

The Schedule repeals amendments to section 62 of the *Planning Act* that were made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* but are not yet in force. The Schedule makes different amendments to that section, to provide for specified projects undertaken by transmitters within the meaning of the *Electricity Act, 1998* or by Ontario Power Generation Inc. that have met specified criteria under the *Environmental Assessment Act* to be exempted from the *Planning Act* and from section 113 or 114 of the *City of Toronto Act, 2006*.

**SCHEDULE 24**  
**PLANNING ACT — AMENDMENTS PROPOSED BY THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

The Schedule amends the *Planning Act*. The principal amendments to the Act are described below.

Amendments are made in relation to the exceptions to subdivision control under subsection 50 (3) of the Act as follows:

1. A new clause 50 (3) (a.1) is added to provide an exception in respect of land that is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have otherwise merged in the person as a result of the death of one of the joint tenants.
2. The existing exception under clause 50 (3) (b) currently applies where the person undertaking the transaction does not retain a specified interest in any abutting land other than the whole of one or more lots within a registered plan of subdivision. The clause is re-enacted to expand the types of abutting land in which a specified interest can be retained.
3. The existing exception under clause 50 (3) (g) currently applies where land is acquired for the purpose of an electricity distribution line, electricity transmission line or hydrocarbon line and is being disposed of to the person from whom it was acquired. The clause is re-enacted to provide that the exception also applies where such land is disposed of to the successor in title to the person from whom it was acquired. The re-enacted clause also requires that the person to whom the land is being disposed of must hold a specified interest in land abutting the land being disposed of.

Similar changes are made in relation to the exceptions to part-lot control under subsection 50 (5).

Subsection 50 (18) is re-enacted to prohibit any foreclosure or exercise of a power of sale from having any effect in law unless all the land subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale or the land could otherwise be conveyed in compliance with section 50. Consequential amendments are made to subsections 50 (1.1) to (1.5) and 54 (2.1), (2.2), (6.1) and (7) and 55 (1).

Various amendments are made to section 51 of the Act to enhance requirements in relation to public notice, information and public meetings in relation to the process associated with applications for plans of subdivision. Subsections 51 (35) and (50) are amended to require, after a notice of appeal is received, the approval authority to forward to the Tribunal such information and material as the Tribunal may require.

Currently, subsection 53 (1) provides that an owner or chargee of land or such owner's or chargee's agent may apply for a consent as defined in subsection 50 (1). An amendment is made to also permit a purchaser of land or the purchaser's agent to apply for a consent.

A new subsection 53 (4.2.1) provides that an application for a consent may be amended by an applicant at any time before the council or the Minister gives or refuses to give a consent. If the application is amended, a new subsection 53 (4.2.2) permits imposition of terms as the council or Minister considers appropriate.

Amendments are made to section 53 in relation to the process associated with consent applications. A new subsection 53 (5.1) provides that a regulation requiring a public meeting may also specify other requirements in relation to the meeting. Subsections 53 (15) and (28) are amended to require, after a notice of appeal is received, the clerk of a municipality or the Minister, as the case may be, to forward to the Tribunal such information and material as the Tribunal may require.

Currently, subsection 53 (41) deems an application for consent to be refused if, after the applicable one-year period, the conditions imposed on the application have not been fulfilled. An amendment is made to change the one-year period to a two-year period.

A new subsection 53 (42.1) sets out circumstances in which the clerk of a municipality or the Minister, as the case may be, is required to issue a certificate to an applicant for a consent for the retained land in an application for consent. A definition of “retained land” is also added to section 50.

New subsections 53 (45) to (48) set out rules governing the issuance of certificates of cancellation, where applied for by the owner of the land or the owner’s agent. A new subsection 53 (49) sets out rules that apply after the registration of the certificate of cancellation. Consequential amendments are made to subsections 50 (1.1) to (1.5), 54 (2.1), (6.1) and (7) and 55 (1).

#### **SCHEDULE 25 REGULATED HEALTH PROFESSIONS ACT, 1991**

The *Regulated Health Professions Act, 1991* is amended to repeal the provisions that establish and govern the Health Professions Regulatory Advisory Council. Related amendments are made to the Act and to various health professions Acts to repeal references to the Advisory Council.

#### **SCHEDULE 26 STATUTE LABOUR ACT**

The Schedule amends the *Statute Labour Act* and makes complementary amendments to another Act. Existing section 38 is repealed and replaced with new section 38 which provides that a road commissioner shall dispose of the assets and liabilities of their office and sets out an exception to that requirement. The Schedule repeals section 39 of the Act.

#### **SCHEDULE 27 STATUTORY POWERS PROCEDURE ACT**

The Schedule adds a new section 29 to the *Statutory Powers Procedure Act* that imposes prohibitions on various activities relating to the recording of proceedings to which the Act applies, including taking or attempting to take photographs, audio or video recordings or other records at hearings and in other specified circumstances, as well as disseminating the photographs, recordings and records. The prohibitions are subject to a number of stated exceptions. Every person who contravenes a prohibition in section 29 is guilty of an offence and on conviction is liable to a fine of not more than \$25,000. Consequential amendments are made to the *Police Services Act* and the *Veterinarians Act*.

In addition, the Schedule amends the *Statutory Powers Procedure Act* by,

- (a) amending clause 3 (2) (d) to reflect changes in other legislation; and
- (b) amending subsection 14 (1) to make a change in the French version.

#### **SCHEDULE 28 UNIVERSITÉ DE HEARST ACT, 2021**

The *Université de Hearst Act, 2021* is enacted, which continues the Collège de Hearst as the Université de Hearst. The Act provides that the University may grant the degrees prescribed by regulation and other degrees that it may be authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*. Various other provisions and regulation-making powers are also enacted regarding the administration of the University.

## An Act to enact and amend various Acts

### CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Class Proceedings Act, 1992
Schedule 2	Corporations Act
Schedule 3	Education Act
Schedule 4	Election Act
Schedule 5	Electricity Act, 1998
Schedule 6	Employment Standards Act, 2000
Schedule 7	Family Responsibility and Support Arrears Enforcement Act, 1996
Schedule 8	Fish and Wildlife Conservation Act, 1997
Schedule 9	French Language Services Act
Schedule 10	Justices of the Peace Act
Schedule 11	Labour Relations Act, 1995
Schedule 12	Law Society Act
Schedule 13	Liquor Licence and Control Act, 2019
Schedule 14	Mining Act
Schedule 15	Modernizing Ontario for People and Businesses Act, 2020
Schedule 16	Northern Ontario School of Medicine University Act, 2021
Schedule 17	Not-for-profit Corporations Act, 2010
Schedule 18	Ontario Drug Benefit Act
Schedule 19	Ontario Energy Board Act, 1998
Schedule 20	Ontario Immigration Act, 2015
Schedule 21	Ontario Works Act, 1997
Schedule 22	Opioid Damages and Health Care Costs Recovery Act, 2019
Schedule 23	Planning Act — Amendments Proposed by the Ministry of Energy, Northern Development and Mines
Schedule 24	Planning Act — Amendments Proposed by the Ministry of Municipal Affairs and Housing
Schedule 25	Regulated Health Professions Act, 1991
Schedule 26	Statute Labour Act
Schedule 27	Statutory Powers Procedure Act
Schedule 28	Université De Hearst Act, 2021

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### **Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

#### **Commencement**

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

#### **Short title**

**3 The short title of this Act is the *Supporting Recovery and Competitiveness Act, 2021*.**

**SCHEDULE 1**  
**CLASS PROCEEDINGS ACT, 1992**

**1 (1) The French version of clause 29.1 (1) (b) of the *Class Proceedings Act, 1992* is amended by adding “autres” before “mesures nécessaires”.**

**(2) Clause 29.1 (1) (c) of the Act is repealed and the following substituted:**

- (c) the court has established a timetable for service of the representative plaintiff’s motion record in the motion for certification or for completion of one or more other steps required to advance the proceeding; or

**Commencement**

**2 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**



**SCHEDULE 2  
CORPORATIONS ACT**

**1 Section 335 of the *Corporations Act* is amended by adding the following subsection:**

**Interpretation of s. 3 of Schedule 2**

(3) On and after the day section 117 is repealed by section 27 of Schedule 7 to the *Cutting Unnecessary Red Tape Act, 2017*, subsection 125.1 (2) of the replacement provision set out in section 3 of Schedule 2 to this Act shall be read without reference to “Despite section 117,”.

***Cutting Unnecessary Red Tape Act, 2017***

**2 Subsection 85 (5) of Schedule 7 to the *Cutting Unnecessary Red Tape Act, 2017* is amended by striking out “31 (2), 33 (2)” and substituting “33 (2)”.**

**Commencement**

**3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Section 1 comes into force on the later of the day section 27 of Schedule 7 to the *Cutting Unnecessary Red Tape Act, 2017* comes into force and the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 3  
EDUCATION ACT**

**1 (1) Subsection 13 (5) of the *Education Act* is amended by striking out “residential setting” in the portion after clause (b) and substituting “demonstration school program”.**

**(2) Subsection 13 (5.0.1) of the Act is repealed.**

**2 (1) Subsection 13.1 (12) of the Act is amended by adding the following clauses:**

(a.1) prescribing the number of meetings of the Consortium;

(a.2) governing the circumstances in which the chair of the Consortium is required to be physically present in the meeting room of the Consortium for meetings of the Consortium;

**(2) Section 13.1 of the Act is amended by adding the following subsection:**

**Same**

(12.1) A regulation under clause (12) (a.1) or (a.2) may set out rules with respect to periods of time before the regulation is filed.

**3 Sections 8 and 9 of Schedule 1 to the Act are repealed.**

**Consequential amendment**

**4 Subsection 10 (1) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* is repealed.**

**Commencement**

**5 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Subsection 1 (2) comes into force on the later of September 1, 2021 and the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(3) Sections 2 and 3 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 4  
ELECTION ACT**

**1 Clause 27 (2) (m) of the *Election Act* is repealed and the following substituted:**

- (m) the names of all persons authorized by the prospective candidate to accept contributions in respect of their candidacy;
- (m.1) the name and address of every financial institution that is lawfully entitled to accept deposits to be used by or on behalf of the prospective candidate as the depositories for all contributions made to that person in respect of their candidacy;
- (m.2) the names of the persons responsible for each depository referred to in clause (m.1); and

**Commencement**

**2 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 5  
ELECTRICITY ACT, 1998**

**1 Section 25.37 of the *Electricity Act, 1998* is repealed.**

**2 Subsections 26 (1.1), (1.2) and (1.3) of the Act are repealed.**

**3 Clause 114 (1.4) (0.a.1) of the Act is repealed.**

**Commencement**

**4 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 6  
EMPLOYMENT STANDARDS ACT, 2000**

**1 The French version of clause (a) of the definition of “wages” in subsection 1 (1) of the *Employment Standards Act, 2000* is amended by striking out “en espèces” and substituting “en argent”.**

**2 Subsection 11 (4) of the Act is amended by adding “and” at the end of clause (a), by striking out “and” at the end of clause (b) and by repealing clause (c).**

**3 Section 91 of the Act is amended by adding the following subsections:**

**Self-audit**

(10.1) In addition to the powers set out in subsection (6), an employment standards officer conducting an inspection may, by giving written notice, require an employer to conduct an examination of the employer’s records, practices or both in relation to one or more provisions of this Act or the regulations.

**Examination and report**

(10.2) If an employer is required to conduct an examination under subsection (10.1), the employer shall conduct the examination and report the results of the examination to the employment standards officer in accordance with the notice.

**Notice**

(10.3) A notice given under subsection (10.1) shall specify,

- (a) the period to be covered by the examination;
- (b) the provision or provisions of this Act or the regulations to be covered by the examination; and
- (c) the date by which the employer must provide a report of the results of the examination to the employment standards officer.

**Same**

(10.4) A notice given under subsection (10.1) may specify,

- (a) the method to be used in carrying out the examination;
- (b) the format of the report; and
- (c) such information to be included in the employer’s report as the employment standards officer considers appropriate.

**Same**

(10.5) Without restricting the generality of clause (10.4) (c), a notice given under subsection (10.1) may require the employer to include in the report to the employment standards officer,

- (a) an assessment of whether the employer has complied with this Act or the regulations;
- (b) if, pursuant to clause (a), the employer has included an assessment that the employer has not complied with this Act or the regulations;
  - (i) an assessment of whether one or more employees are owed wages, and
  - (ii) a description of the measures that the employer has taken or will take to ensure that this Act or the regulations will be complied with; and
- (c) if, pursuant to subclause (b) (i), the employer has included an assessment that one or more employees are owed wages, the name of every employee who is owed wages, the amount of wages owed to each employee and an explanation of how the amount of wages owed to each employee was determined.

**4 Section 91.1 of the Act is repealed.**

**Commencement**

**5 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 7  
FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT ACT, 1996**

**1 (1) Subsection 7 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by adding “or any part of such support order or support deduction order” after “support deduction order” in the portion before clause (a).**

**(2) Subsection 7 (3) of the Act is repealed and the following substituted:**

**Deemed withdrawal**

(3) If the Director refuses to enforce an order or any part of such order under subsection (1), the Director shall notify the payor and the recipient and such order or any part of such order, as the case may be, shall be deemed to be withdrawn from the Director’s office on the date set out in the notice.

**2 (1) Subsection 8 (2) of the Act is amended by adding the following clause:**

(a.1) the Director is informed by the recipient, in the manner prescribed by the regulations, that the support obligation has terminated;

**(2) Section 8 of the Act is amended by adding the following section:**

**Recipient’s Notice to Director**

(5) For the purposes of clause (2) (a.1), if a support order or related support deduction order is filed in the Director’s office, the recipient shall give the Director notice of a termination of a support obligation under such order, in the manner and at the time prescribed by the regulations.

**3 The Act is amended by adding the following section:**

**Director’s discretion re child that has attained the age of majority**

**8.1.1** (1) Despite section 5 and subject to section 8.3, with respect to a support order or support deduction order that is filed in the Director’s office and that pertains to a child who has attained the age of majority, the Director has discretion to discontinue enforcement or, in accordance with section 8.2, enforce a lesser amount of support if,

- (a) the Director serves on the recipient a request to provide any information the Director considers necessary to establish that, with respect to the child who has attained the age of majority, the enforcement of the support obligation should continue; and
- (b) the recipient does not respond in writing within 20 days after being served or the Director is of the opinion that the information provided by the recipient does not meet the requirements in clause (a).

**Reinstatement**

(2) If, after the Director exercises discretion to discontinue enforcement or enforce a lesser amount in accordance with subsection (1), the Director receives a written response from the recipient to the Director’s request, the Director may resume enforcement or reinstate the amount enforced before the reduction.

**Director’s discretion may be exercised upon payor’s request**

(3) The Director may exercise his or her discretion referred to in subsection (1) upon the written request of the payor.

**4 Paragraph 2 of subsection 8.2 (2) of the Act is amended by adding the following subparagraph:**

iii. The Director is informed by the recipient, in the manner prescribed by the regulations, that the support obligation under the order has terminated with respect to a child.

**5 (1) The English version of subsection 50 (1) of the Act is repealed and the following substituted:**

**Recognition of extra-provincial garnishments**

**50** (1) The clerk of the Ontario Court of Justice or Family Court shall issue a notice of garnishment to enforce the support or maintenance obligation upon the filing of a garnishment process that,

- (a) is issued outside Ontario and is directed to a garnishee in Ontario;
- (b) states that it is issued in respect of support or maintenance; and
- (c) is written in or accompanied by a sworn or certified translation into English or French.

**(2) Section 50 of the Act is amended by adding the following subsections:**

**Exception, support deduction document issued by another Canadian jurisdiction**

(3) The Director may serve a document on a person in Ontario for the purpose of attaching the income or funds referred to in that document, if the following conditions are met:

1. The document is filed in the Director's office by a competent authority that is responsible for enforcement in another Canadian province or territory.
  2. The Director is of the opinion that the document is similar in nature to a notice of support deduction order under this Act and has been issued by a competent authority in another Canadian province or territory.
  3. The document relates to the income or funds of a payor who is required to make payments pursuant to a support obligation that is being enforced by a competent authority in another Canadian province or territory.
  4. The payor has or is purported to have income or funds located in Ontario.
  5. Any other conditions as may be prescribed by the regulations.
- (4) The document served under subsection (3) shall be served in the same manner as a notice of support deduction order under this Act may be served.
- (5) For the purposes of this Act, once the document referred to in subsection (3) is served, it has the same force and effect and may be dealt with in the same manner as a notice of support deduction order under this Act.

#### **Commencement**

**6 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 8**  
**FISH AND WILDLIFE CONSERVATION ACT, 1997**

**1 Section 112 of the *Fish and Wildlife Conservation Act, 1997* is amended by adding the following subsection:**

**Same**

- (2) A regulation made under paragraph 52 of subsection (1) may, without limiting the generality of that paragraph,
- (a) require the holder of a licence or of an authorization given under this Act to complete reports and submit them to the Minister or another person at such time as may be prescribed;
  - (b) establish rules governing the content and the submission of the reports; and
  - (c) require the holder of a hunting licence who fails to submit a report at the prescribed time to pay a penalty and prescribe the amount of the penalty.

**Commencement**

**2 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**



**SCHEDULE 9**  
**FRENCH LANGUAGE SERVICES ACT**

**1** Clause (d) of the definition of “government agency” in section 1 of the *French Language Services Act* is amended by striking out “other than a municipal home or joint home established under Part VIII of the *Long-Term Care Homes Act, 2007*”.

**Commencement**

**2** This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.

**SCHEDULE 10  
JUSTICES OF THE PEACE ACT**

**1** Clause 8 (3) (f) of the *Justices of the Peace Act* is amended by striking out “a lawyer” at the beginning and substituting “a licensee within the meaning of the *Law Society Act*”.

**Commencement**

**2** This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.

**SCHEDULE 11**  
**LABOUR RELATIONS ACT, 1995**

**1** The French version of section 102 of the *Labour Relations Act, 1995* is amended by striking out “*décision rendue*” and substituting “*directive donnée*”.

**Commencement**

**2** This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.

**SCHEDULE 12  
LAW SOCIETY ACT**

**1** Clause 48 (1) (b) of the *Law Society Act* is amended by adding “or clause 45 (3) (b) or (c)” after “subsection 35 (1)”.

**Commencement**

**2** This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.

**SCHEDULE 13  
LIQUOR LICENCE AND CONTROL ACT, 2019**

**1 The definition of “wine” in subsection 1 (1) of the *Liquor Licence and Control Act, 2019* is repealed and the following substituted:**

“wine”, subject to the regulations, means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of the natural sugar contents of,

- (a) fruits, including grapes and apples, or
- (b) other agricultural products containing sugar, including honey and milk. (“vin”)

**2 (1) Paragraph 7 of subsection 3 (1) of the Act is repealed and the following substituted:**

7. A manufacturer’s licence to sell.

**(2) Subsection 3 (4) of the Act is amended by striking out “or” at the end of clause (e), by adding “or” at the end of clause (f) and by adding the following clause:**

- (g) a prescribed circumstance exists in relation to the category or class of the category of licence.

**3 Paragraph 3 of subsection 4 (1) of the Act is amended by striking out “will be issued” at the end and substituting “would be issued”.**

**4 Subsections 7 (12) and (13) of the Act are repealed.**

**5 Subsection 8 (2) of the Act is amended by striking out “If, for the reason described in subsection 3 (6), the Registrar refuses to issue a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6)” at the beginning and substituting “If, for the reason described in subsection 3 (6), the issuance of a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is refused”.**

**6 (1) Clause 13 (1) (a) of the Act is repealed and the following substituted:**

- (a) the licensee would not be eligible for a licence under subsection 3 (4) or 3 (6) if the licensee were an applicant under section 3; or

**(2) Subsections 13 (2), (3) and (4) of the Act are repealed and the following substituted:**

**Suspension without proposal**

(2) The Registrar may suspend a licence issued under this Act without issuing a proposal if the Registrar considers it to be necessary in the public interest.

**Notice and immediate effect**

(3) The Registrar shall serve notice of a suspension under subsection (2) on the licensee together with written reasons, and the suspension takes effect immediately on the licensee being served.

**Notice requiring hearing**

(4) A notice served under subsection (3) shall inform the licensee that the person is entitled to a hearing by the Tribunal if the person mails or delivers to the Tribunal and the Registrar, within 15 days after the notice is served on the person, a notice in writing requiring a hearing by the Tribunal.

**Hearing**

(4.1) Section 26 applies with respect to a notice served under subsection (3) in the same way as to a notice of a proposal issued under subsection (1), with necessary modifications.

**Limit on further applications**

(4.2) If, for the reason described in subsection 3 (6), the Tribunal directs the Registrar to revoke a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar may propose, on notice to the owner of the property at which the premises is located, that no person may apply for a licence in respect of the same premises within the period of time after the date of the revocation that the Registrar specifies, up to a maximum of two years, if, in the Registrar’s opinion, it is necessary to do so in the public interest.

**Exception**

(4.3) If the Tribunal is satisfied that there has been a significant change in the circumstances in respect of the premises since the licence was revoked, the Tribunal may permit an application for a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) within the period specified by the Registrar under subsection (4.2).

**7 (1) Subsection 16 (2) of the Act is repealed and the following substituted:**

**Requirements**

- (2) An applicant is not eligible for a permit if,
  - (a) the applicant would not be eligible for a licence to operate a liquor consumption premises for any ground described in subsection 3 (4), except as provided by the regulations; or
  - (b) the premises in respect of which the permit would be issued is disqualified under section 18.

**(2) Clause 16 (3) (a) of the Act is amended by striking out “eligible” and substituting “not ineligible”.**

**(3) Subsection 16 (4) of the Act is repealed and the following substituted:**

**Issuance of permit**

- (4) The Registrar shall issue a permit to an applicant if,
  - (a) the applicant complies with this Act, the regulations and the standards and requirements established by the Registrar under section 24, is not ineligible for a permit and pays the required fee; and
  - (b) the Registrar approves the application or the Tribunal directs the Registrar to issue the permit.

**8 Subsection 25 (1) of the Act is amended by adding the following paragraph:**

- 7. Restrict further applications for a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) in respect of the same premises, as described in subsection 13 (4.2).

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**9 Subsection 1 (4) of Schedule 26 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.**

**Commencement**

**10 (1) Subject to subsection (2), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Sections 1 to 3 and 5 to 8 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 14  
MINING ACT**

**1 (1) Subsection 1 (1) of the *Mining Act* is amended by adding the following definitions:**

“licence of occupation registry” means the licence of occupation registry described in section 7.1; (“registre des permis d’occupation”)

“registry” means the mining claims registry or the licence of occupation registry, as applicable; (“registre”)

**(2) Section 1 of the Act is amended by adding the following subsection:**

**Interpretation of recording, record, etc.**

(14) For greater certainty and unless the contrary intention appears,

- (a) a reference in this Act or the regulations to the recording of an entry, note, instrument or document is a reference to the entering of the entry, note, instrument or document in a registry;
- (b) a reference in this Act or the regulations to a recorded right or interest is a reference to a right or interest that has been noted in a registry; and
- (c) a reference in this Act or the regulations to a recorded claim holder is a reference to the holder of a mining claim registered in the mining claims registry.

**2 Paragraph 6 of subsection 4.1 (1) of the Act is amended by striking out “the mining claims registry described in section 7” and substituting “a registry”.**

**3 Section 7 of the Act is repealed and the following substituted:**

**Mining claims registry**

7 (1) The Provincial Recording Office shall maintain the mining claims registry, which shall include,

- (a) records of all mining claims;
- (b) maps showing the locations of all mining claims;
- (c) information about each claim holder as may be prescribed; and
- (d) for each mining claim,
  - (i) an abstract in which all transfers, assessment work reports, exploration plans, exploration permits, orders, agreements, instruments, notes and other entries relating to the mining claim are recorded,
  - (ii) any assessment work reports, exploration plans and exploration permits relating to the mining claim, and
  - (iii) any orders, agreements, instruments or other documents relating to the mining claim that are in an electronic format.

**Exception, Minister’s direction**

(2) Despite subclause (1) (d) (iii), the Minister may, in the Minister’s discretion, direct that certain instruments or documents referred to in that subclause, or certain classes of such instruments or documents, not be included in the mining claim registry.

**Licence of occupation registry**

7.1 (1) The Provincial Recording Office shall maintain the licence of occupation registry, which shall include,

- (a) records of all licences of occupation;
- (b) maps showing the locations of all lands to which a licence of occupation applies;
- (c) information about each licence holder as may be prescribed; and
- (d) for each licence of occupation,
  - (i) an abstract in which all transfers, assessment work reports, exploration plans, exploration permits, orders, agreements, instruments, notes and other entries relating to the licence are recorded,
  - (ii) any assessment work reports, exploration plans and exploration permits relating to the licence, and
  - (iii) any orders, agreements, instruments or other documents relating to the licence that are in an electronic format.

**Exception, Minister’s direction**

(2) Despite subclause (1) (d) (iii), the Minister may, in the Minister’s discretion, direct that certain instruments or documents referred to in that subclause, or certain classes of such instruments or documents, not be included in the licence of occupation registry.

**Registries, general**

**7.2** (1) The Provincial Recording Office shall maintain the registries,

- (a) in an electronic format, subject to subsections (2) and (3); and
- (b) in accordance with the requirements established under the *Archives and Recordkeeping Act, 2006*.

**Non-electronic formats**

(2) The Minister may direct that certain instruments or documents relating to a mining claim or licence of occupation that are received in a format other than an electronic format be maintained as part of the applicable registry in the format in which they are received or in such other format as the Minister directs.

**Legacy claims, licences of occupation**

(3) The Provincial Recording Office shall maintain all records, maps, documents or information required under section 7 or 7.1 with respect to legacy claims or to licences of occupation in an electronic format as part of the applicable registry, but they may also be maintained, together with other historical information, in other formats as the Minister directs.

**Public availability**

(4) The records, maps, documents and information required under section 7 or 7.1 shall be made available to the public,

- (a) through the mining lands administration system on a website of the Government of Ontario approved for this purpose or through such other means as may be determined with respect to section 7, 7.1 or both in accordance with the regulations; and
- (b) at the Provincial Recording Office during normal business hours or at such other locations and times as the Minister directs.

**Exception**

(5) Despite subsection (4), the instruments and documents referred to in subsection (2) that are maintained as part of a registry shall be made available to the public in the prescribed manner and place, subject to any prescribed conditions.

**Personal information**

(6) Any personal information maintained as part of a registry is maintained for the purpose of creating a record that is available to the general public, as described in section 37 of the *Freedom of Information and Protection of Privacy Act*.

**4 Subsections 8 (1) and (2) of the Act are repealed and the following substituted:****Deletion, correction and amendment to registry**

- (1) A recorder may,
  - (a) delete, correct or amend an entry in a registry in accordance with the regulations;
  - (b) delete, correct or amend an entry in a registry because it does not comply with this Act or the regulations; and
  - (c) make entries in a registry with respect to documents received in other than electronic format and delete, correct and amend entries in a registry to reflect such documents.

**Notice of deletion, etc.**

(2) A recorder shall notify any affected person in the prescribed manner, if the recorder deletes, corrects, amends or makes an entry in a registry in accordance with subsection (1).

**5 Section 41 of the Act is amended by adding the following subsection:****Recording of termination, reinstatement**

(4.0.1) The termination or reinstatement of a licence of occupation under this section shall be recorded in the licence of occupation registry.

**6 Section 41.1 of the Act is amended by adding the following subsection:****Recording of revocation**

(5) The revocation of a licence of occupation under subsection (1) shall be recorded in the licence of occupation registry.

**7 (1) Subsection 52 (3) of the Act is amended by adding “or (5)” after “subsection (4)”.**

**(2) Section 52 of the Act is amended by adding the following subsection:**

**Same, prescribed circumstances, requirements**

(5) Subsection (3) does not apply if the sale or disposition is permitted by and conducted in accordance with the regulations.

**8 (1) Subsection 57 (1) of the Act is amended by adding “or licence of occupation” after “unpatented mining claim”.**



**(2) Subsection 57 (2) of the Act is amended by,**

- (a) striking out “the mining claim” and substituting “a mining claim or licence of occupation”; and**
- (b) adding “or licence” after “the claim”.**

**(3) Subsection 57 (3) of the Act is amended by striking out “the mining claim” and substituting “a mining claim or licence of occupation”.**

**9 (1) Subsection 60 (1) of the Act is repealed and the following substituted:**

**Recording instruments**

(1) Except as otherwise expressly provided in this Act, no transfer or assignment of a mining claim or licence of occupation, and no agreement or other instrument affecting a mining claim, licence of occupation or any recorded right or interest acquired under this Act, shall be recorded in the applicable registry unless it satisfies the directives made by the Minister under subsection 4.1 (2) relating to the use of the mining lands administration system.

**(2) Subsection 60 (1.1) of the Act is amended by adding “or licence of occupation” after “a mining claim”.**

**10 Sections 61 and 62 of the Act are repealed and the following substituted:**

**Priority**

**61** After a mining claim, licence of occupation or other right or interest acquired under this Act has been recorded in a registry, every instrument other than a will affecting the claim or licence, as the case may be, or an interest therein is void as against a subsequent purchaser or transferee for valuable consideration without actual notice, unless the instrument is recorded in the registry before the recording of the instrument under which the subsequent purchaser or transferee claims.

**Recording constitutes notice**

**62** The recording under this Act of an instrument relating to a mining claim or licence of occupation constitutes notice of the instrument to all persons claiming an interest in the claim or licence after the instrument is recorded, even if there is a defect in the requirements for recording.

**11 Section 64 of the Act is amended by adding the following subsection:**

**Application to licences of occupation**

(14) Subsections (2.1), (2.2), (2.3), (3), (4.1) (4.2) and (6) to (13) apply with necessary modifications with respect to licences of occupation.

**12 (1) The French version of subsection 66 (1) of the Act is amended by striking out “la répartition entre les claims des crédits de travail d’évaluation” and substituting “l’allocation des crédits de travail d’évaluation aux claims”.**

**(2) The French version of clause 66 (4) (b) of the Act is repealed and the following substituted:**

- b) fixe le montant des crédits de travail d’évaluation à accorder aux travaux faisant l’objet du rapport ainsi que l’allocation de ces crédits aux claims.

**13 The French version of subsection 129 (1) of the Act is amended by striking out “à la face même” and substituting “au recto”.**

**14 (1) Subsection 176 (1) of the Act is amended by adding the following paragraph:**

1.2.1 governing the licence of occupation registry;

**(2) Paragraph 2.0.1 of subsection 176 (1) of the Act is amended by striking out “the mining claims registry” at the end and substituting “a registry”.**

**(3) Subsection 176 (1) of the Act is amended by adding the following paragraph:**

- 7.1 for the purposes of subsection 52 (5), permitting and governing the sale or disposition of the end product of the mining, milling and refining permitted under subsection 52 (1);

**(4) The French version of paragraph 10 of subsection 176 (1) of the Act is amended by striking out “de répartition des crédits entre les claims” at the end and substituting “d’allocation des crédits aux claims”.**

**15 The French version of subsection 179 (1) of the Act is amended by striking out “à la demande de la Couronne par voie d’instance” and substituting “par voie d’instance introduite par la Couronne”.**

**16 Subsection 185 (2) of the Act is repealed and the following substituted:**

**Recording of order**

(2) If an order under subsection (1) concerns an unpatented mining claim or a licence of occupation, the order shall be noted on the abstract for the claim or licence and recorded in the applicable registry.

**Commencement**

**17 (1) Subject to subsection (2), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Sections 1 to 11, subsections 14 (1) to (3) and section 16 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 15  
MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020**

**1 (1) The definition of “administrative cost” in subsection 1 (1) of the *Modernizing Ontario for People and Businesses Act, 2020* is repealed.**

**(2) Subsection 1 (1) of the Act is amended by adding the following definitions:**

“broader public sector organization” has the same meaning as in the *Broader Public Sector Accountability Act, 2010*, and includes municipalities and long-term care homes; (“organisme du secteur parapublic”)

“direct compliance cost” means a direct cost of complying with a draft bill, regulation, policy or form, and includes administrative costs, fees, upfront capital costs, upfront operating costs and ongoing operating costs; (“frais directs de conformité”)

**(3) The definition of “regulated entity” in subsection 1 (1) of the Act is repealed and the following substituted:**

“regulated entity”, subject to the regulations, includes every business, trade, occupation, profession, service, venture and broader public sector organization, whether or not carried on with a view to profit. (“entité réglementée”)

**2 The heading before section 2 of the Act is repealed and the following substituted:**

CONTROL OF DIRECT COMPLIANCE COSTS

**3 Subsection 2 (1) of the Act is amended by striking out “administrative costs” and substituting “direct compliance costs”.**

**4 Clause 3 (a) of the Act is amended by striking out “administrative costs” and substituting “direct compliance costs”.**

**5 (1) Paragraph 1 of subsection 4 (1) of the Act is repealed and the following substituted:**

1. Recognized national and international standards should be adopted.

**(2) Paragraph 3 of subsection 4 (1) of the Act is amended by striking out “stakeholders” and substituting “regulated entities”.**

**(3) Paragraph 5 of subsection 4 (1) of the Act is amended by striking out “stakeholders” and substituting “regulated entities”.**

**6 (1) Clause 10 (2) (c) of the Act is amended by striking out “administrative cost” and substituting “direct compliance cost”.**

**(2) Clause 10 (2) (e) of the Act is amended by striking out “administrative costs” and substituting “direct compliance costs”.**

**(3) Clause 10 (2) (f) of the Act is amended by striking out “administrative costs” and substituting “direct compliance costs”.**

**Commencement**

**7 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 16**  
**NORTHERN ONTARIO SCHOOL OF MEDICINE UNIVERSITY ACT, 2021**

**Definitions**

**1** In this Act,

“board” means the board of governors of the University; (“conseil”)

“Minister” means the Minister of Colleges and Universities or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*; (“ministre”)

“property” includes real and personal property; (“biens”)

“senate” means the senate of the University; (“sénat”)

“University” means the Northern Ontario School of Medicine University continued under section 2. (“Université”)

**Northern Ontario School of Medicine continued**

**2** (1) Northern Ontario School of Medicine is continued as a corporation without share capital under the name Northern Ontario School of Medicine University in English and Université de l'École de médecine du Nord de l'Ontario in French, and shall consist of the members of its board.

**Conflict with *Corporations Act***

(2) In the event of a conflict between a provision of this Act or a regulation made under it and a provision of the *Corporations Act*, this Act or the regulation made under it prevails.

**Objects**

**3** The University has such objects and special missions as may be prescribed by regulation.

**Powers**

**4** The University has all the powers necessary and incidental to its objects, including the power to grant the degrees prescribed by regulation and any other degrees the University may be authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*.

**Affiliates**

**5** (1) The University may affiliate or federate with other universities, colleges, research institutions and institutions of learning on such terms and for such periods of time as the board may determine.

***The Laurentian University of Sudbury Act, 1960***

(2) Section 27 of *The Laurentian University of Sudbury Act, 1960* does not apply to the University.

**Board of governors**

**6** (1) There shall be a board of governors of the University, composed of not less than 15 and not more than 30 members, as follows:

1. The president of the University, who shall be a member by virtue of office.
2. The chancellor of the University, if one is appointed, who shall be a member by virtue of office.
3. Five persons appointed by the Lieutenant Governor in Council who shall not be students, members of the teaching staff or non-teaching employees of the University.
4. One person elected by the teaching staff from among themselves.
5. One person elected by the students of the University from among themselves.
6. One person elected by the non-teaching employees of the University from among themselves.
7. Such other persons as may be set out in the by-laws of the board who shall be appointed by the board, and who shall not be students, members of the teaching staff or non-teaching employees of the University.

**Composition and procedures**

(2) The board shall comply with any further requirements prescribed by regulation with respect to its composition and procedures.

**Powers and duties**

(3) The board is responsible for governing and managing the affairs of the University and has the powers and duties prescribed by regulation.

## **Senate**

7 (1) There shall be a senate of the University, composed of the following members:

1. The following persons who are members by virtue of their office:
  - i. The president and dean of the University.
  - ii. The chancellor of the University, if one is appointed.
  - iii. The vice-president and provost of the University, if one is appointed.
  - iv. The registrar of the University.
  - v. The associate dean of each academic portfolio.
  - vi. The senior associate dean.
  - vii. The head of each academic division of the University, or the person designated by the head from within the teaching staff of each division.
  - viii. The assistant dean of admissions.
  - ix. The assistant dean of graduate studies.
  - x. The assistant dean of research.
  - xi. The director of research and health sciences library.
  - xii. The chair of each standing committee of the senate, or the person designated by the chair from within each standing committee.
2. Such number of persons, not exceeding eight, elected by the students of the University from among themselves, as set out in senate by-laws.
3. Such number of persons elected by the teaching staff from among themselves, as set out in senate by-laws, which number shall be at least twice the total number of all other members of the senate.
4. Two persons appointed by the senate who,
  - i. are members of the teaching staff of a university in Ontario, but not members of the teaching staff of the University, and
  - ii. are not engaged in the teaching of medicine or health sciences.
5. Such other persons as may be determined by senate by-law.

## **Composition and procedures**

(2) The senate shall comply with any further requirements prescribed by regulation with respect to its composition and procedures.

## **Powers and duties**

(3) The senate is responsible for determining and regulating the educational policy of the University and has the powers and duties prescribed by regulation.

## **Meetings**

8 (1) Subject to subsection (2), meetings of the board and of the senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in the manner provided in the by-laws of the board or senate.

## **Closed meeting**

(2) The board or the senate, as the case may be, may meet in the absence of the public to discuss a matter of a personal nature concerning an individual or to discuss a confidential matter as determined in accordance with the by-laws of the board or senate.

## **By-laws**

(3) The board and the senate shall publish their by-laws on the website of the University.

## **Chancellor**

9 A chancellor of the University may be appointed, if the regulations provide for the appointment of a chancellor.

## **President**

10 (1) There shall be a president of the University appointed by the board in such manner and for such term as the board shall determine.

**Powers and duties**

(2) The president is the chief executive officer of the University and has supervision over and direction of the academic and general administration of the University, its students, managers, teaching staff and non-teaching employees and such other powers and duties as may be conferred upon or assigned to him or her by the board.

**Dean**

(3) The president of the University is also the dean of the University.

**Property**

**11** (1) The University may purchase or otherwise acquire, take by gift, devise or bequest and hold such property as the board considers necessary for the objects of the University, and may mortgage, sell or otherwise dispose of the same as the board, in its absolute discretion, considers appropriate.

**Protection from expropriation**

(2) Land vested in the University is not liable to be entered upon, used or taken by any person or corporation, and no power to expropriate land conferred after this subsection comes into force shall extend to such land unless the statute conferring the power expressly provides otherwise.

**Use of property**

(3) The property and the revenue of the University shall be applied solely to achieving the objects of the University.

**Investments**

(4) The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the board, in its absolute discretion, considers appropriate and, except where a trust instrument otherwise directs, such funds may be combined with trust money belonging to various trusts in the care of the board into a common trust fund.

**Borrowing**

**12** The University, if authorized by the by-laws of the board, may, on such terms and in such amounts as the board may approve,

- (a) borrow money and give security for money borrowed; and
- (b) issue or give bonds, debentures and obligations as security.

**Audits and reports**

**13** (1) The board shall appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the University at least once a year.

**Financial report**

(2) The University shall make a financial report annually to the Minister in such form and containing such information as the Minister may require.

**Other reports**

(3) The University shall submit to the Minister such other reports as the Minister may require in such form and containing such information as the Minister may require.

**Contracts with Laurentian University of Sudbury, Lakehead University, etc.**

**14** Any contract described as follows that was in effect on the day this section comes into force is subject to the regulations and to any amendments to the contract that may be prescribed by regulation:

1. A contract between the University and Laurentian University of Sudbury.
2. A contract between the University and Lakehead University.
3. A contract between the University and an entity related to Laurentian University of Sudbury or Lakehead University.
4. A contract between the University and any combination of the other parties referred to in paragraph 1, 2 or 3.

**No cause of action re enactment of Act, etc.**

**15** (1) No cause of action arises against the Crown (or any of the Crown's current or former ministers, agents, appointees and employees, or against the University or any current or former members of the board or senate or current or former officers or employees of the University,

- (a) as a direct or indirect result of the enactment, amendment or repeal of any provision of this Act; or
- (b) as a direct or indirect result of the making, amending or revoking of any provision of a regulation under this Act.

### **Proceedings barred**

(2) No proceeding, including but not limited to any proceeding in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against a person referred to in that subsection.

### **Application**

(3) Without limiting the generality of subsection (2), that subsection applies to a proceeding, including any court, arbitral or administrative proceeding, claiming any remedy or relief, including specific performance, injunction, declaratory relief or any form of damages or any other remedy or relief, or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.

### **Judicial review**

(4) This section does not apply to prevent an application for judicial review.

### **Not entitled to be compensated**

**16** Despite any other Act or law, no person is entitled to be compensated for any loss or damages, including loss of revenues, loss of profit or loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from anything referred to in subsection 15 (1).

### **Transition, board**

**17** (1) Despite anything in this Act, but subject to subsection (2), the persons who were members of the board of directors or members of the Academic Council of the Northern Ontario School of Medicine on the day immediately before the day section 2 of this Act came into force shall, on and after that day, constitute the board and the senate, respectively, of the University.

### **Same**

(2) The board and senate constituted under subsection (1) shall not include any person who was a member of the board of directors or a member of the Academic Council of the Northern Ontario School of Medicine by virtue of an office that the person held at Laurentian University of Sudbury or Lakehead University.

### **Same**

(3) The board and the senate of the University shall, no later 12 months after the day section 2 of this Act comes into force, appoint or elect such new members of the board and senate as are necessary in order to ensure that the board and senate are constituted in accordance with the requirements of this Act.

### **Regulations**

**18** (1) The Lieutenant Governor in Council may make regulations governing anything necessary or advisable for the effective administration and implementation of this Act, including regulations,

- (a) prescribing the objects and special missions of the University;
- (b) prescribing the degrees that the University may grant;
- (c) governing the board of governors, including regulations,
  - (i) prescribing the powers and duties of the board,
  - (ii) governing the composition of the board, terms of office for board members, the filling of vacancies on the board, quorum requirements and conflicts of interest for board members,
  - (iii) authorizing the board to make by-laws regulating its proceedings and generally for the conduct and management of its activities, including in respect of matters referred to in subclause (ii);
- (d) governing the senate, including regulations,
  - (i) prescribing the powers and duties of the senate,
  - (ii) governing the composition of the senate, terms of office for senate members, the filling of vacancies on the senate and quorum requirements,
  - (iii) authorizing the senate to make by-laws regulating its proceedings and generally for the conduct and management of its activities, including in respect of matters referred to in subclause (ii);
- (e) governing the appointment of a chancellor of the University and prescribing the duties of the chancellor;
- (f) governing contracts described in section 14, including specifying amendments to any such contract;
- (g) defining any term or phrase used in this Act that is not defined in this Act;

- (h) respecting any transitional matter the Lieutenant Governor in Council considers necessary or advisable in connection with the continuation of the University by this Act or with the administration or implementation of this Act, including regulations,
- (i) governing the composition of the first board of the University and the first senate of the University,
  - (ii) governing the first by-laws, policies and other instruments of the University,
  - (iii) governing the recognition of credits and marks awarded to students of the University, and the rights and privileges of those students,
  - (iv) governing the legal effect of the continuance of the University, including matters concerning the vesting of property and the assumption of obligations, liabilities, and the benefits and burdens of contracts, collective agreements and covenants.

**Application to existing property, etc.**

(2) If it so provides, a regulation made under subclause (1) (h) (iv) applies in respect of property, obligations, contracts, collective agreements and covenants that existed before the regulation comes into force.

**Conflict**

(3) In the event of a conflict between a regulation made under clause (1) (h) and this Act, the regulation prevails.

**Amendment to this Act**

**19 Subsection 2 (2) of this Act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.**

**Commencement**

**20 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**(2) Section 19 comes into force on the later of the day subsection 2 (2) of this Schedule comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.**

**Short title**

**21 The short title of the Act set out in this Schedule is the *Northern Ontario School of Medicine University Act, 2021*.**



**SCHEDULE 17  
NOT-FOR-PROFIT CORPORATIONS ACT, 2010**

**1** Subsection 103 (1) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “A special resolution of the members or, if section 105 applies, of each applicable class or group of members, is required” at the beginning and substituting “A special resolution of the members is required”.

**2** (1) Subsection 111 (1) of the Act is amended by striking out “and, subject to subsection (4), to the members of each class or group of members” at the end.

(2) Subsection 111 (5) of the Act is amended by striking out “Subject to subsection (4)” at the beginning.

**3** Subsection 115 (5) of the Act, as re-enacted by subsection 28 (1) of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017*, is repealed.

**4** Subsection 116 (1) of the Act is amended by striking out “in accordance with subsections (2) to (4)” and substituting “in accordance with subsections (2) and (4)”.

**5** Subsection 117 (5) of the Act is amended by striking out “This Act, except subsection (2) of this section” at the beginning and substituting “This Act”.

**6** (1) Subsection 118 (1) of the Act is amended by striking out “in accordance with subsections (2) to (6)” at the end and substituting “in accordance with subsections (2), (3) and (6)”.

(2) Subsection 118 (6) of the Act is amended by striking out “of each class or group entitled to vote on it”.

**7** (1) Subsection 120 (3) of the Act is amended by striking out “and by each applicable class or group of members entitled to vote separately on the arrangement, in each case”.

(2) Subsection 120 (4) of the Act is amended by striking out “if authorized by special resolution of the members, or of each applicable class or group of members, may apply to the court” and substituting “if authorized by special resolution of the members, may apply to the court”.

**8** (1) The Act is amended by adding the following Parts:

**PART XVI  
SPECIAL RULES DURING TEMPORARY SUSPENSION PERIOD**

**Application of Schedule**

**211** (1) The sections of Schedule 1 to this Act apply during the temporary suspension period, as described in subsection (2) for each section.

**Temporary suspension period**

(2) The temporary suspension period, as referred to in each section of Schedule 1 to this Act, is the period that begins on the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and ends on December 31, 2021 and, if the regulations so provide for the section, a further prescribed period of time immediately following December 31, 2021.

**Regulations**

**212** (1) The Lieutenant Governor in Council may make regulations prescribing further periods of time for the purposes of subsection 211 (2).

**Same**

(2) A regulation under subsection (1) may prescribe a different period of time for different sections of Schedule 1 to this Act and may provide for one or more extensions of a previously prescribed period.

**PART XVII  
TEMPORARY SUSPENSION PERIOD — TRANSITION**

**Minister’s regulations re transitional matters**

**213** (1) The Minister may make regulations providing for such transitional matters as the Minister considers necessary or advisable in connection with the application of Schedule 1 to this Act.

**Retroactive**

(2) A regulation under subsection (1) may be retroactive to a date no earlier than the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

(2) **Part XVI of the Act, as enacted by subsection (1), is repealed.**

(3) **Part XVII of the Act, as enacted by subsection (1), is repealed.**

**9** (1) The Act is amended by adding the following Schedule:

**SCHEDULE 1  
SPECIAL RULES DURING TEMPORARY SUSPENSION PERIOD**

MEETING BY ELECTRONIC MEANS, DIRECTORS' MEETINGS

**1 The operation of subsection 34 (6) of the Act is temporarily suspended and the following replacement provision is in effect during the temporary suspension period only:**

**Meeting by electronic means**

(6) Despite any provision in the articles or by-laws of a corporation that provides otherwise, a meeting of directors or of a committee of directors may be held by such telephonic or electronic means as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in the meeting by those means is deemed for the purposes of this Act to be present at the meeting.

MEETING BY ELECTRONIC MEANS, MEMBERS' MEETINGS

**2 (1) The operation of subsection 53 (4) of the Act is temporarily suspended and the following replacement provision is in effect during the temporary suspension period only:**

**Meeting by electronic means**

(4) Despite any provision in the articles or by-laws of a corporation that provides otherwise, a meeting of the members of a corporation may be held by telephonic or electronic means and a member who, through those means, votes at the meeting or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting.

**(2) The operation of subsection 53 (5) of the Act is temporarily suspended.**

VOTING, MEMBERS' MEETINGS

**3 The operation of subsections 58 (1) and (2) of the Act are temporarily suspended and the following replacement provisions are in effect during the temporary suspension period only:**

**Voting**

(1) Subject to subsection (3) and the articles or by-laws, voting at a meeting of members shall be by show of hands unless a ballot is demanded by a member or proxyholder entitled to vote at the meeting.

**Ballot**

(2) Subject to subsection (3), a member or proxyholder may demand a ballot either before or after any vote.

**Voting by alternate means**

(3) Despite any provision of this Act and the regulations, where a meeting of members is held by telephonic or electronic means in accordance with subsection 53 (4), the chair shall conduct the vote by a show of hands or by a ballot in accordance with subsections (1) and (2), if feasible, otherwise the chair may direct voting by alternate means.

**4 (1) The operation of subsection 67 (1) of the Act is temporarily suspended and the following replacement provision is in effect during the temporary suspension period only:**

**Voting by mail or by telephonic or electronic means**

(1) Whether or not the articles or by-laws so provide, voting by mail or by telephonic or electronic means, in addition to or instead of voting by proxy, is permitted.

**(2) The operation of subsection 67 (2) of the Act is temporarily suspended.**

**(2) Schedule 1 to the Act, as enacted by subsection (1), is repealed.**

**Commencement**

**10 (1) Subject to subsections (2) to (4), this Schedule comes into force on the later of the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Section 3 comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(3) Section 5 comes into force on the later of the day subsection 30 (2) of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017* comes into force and the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(4) Subsections 8 (2) and (3) and 9 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 18**  
**ONTARIO DRUG BENEFIT ACT**

**1** Section 1.4 of the *Ontario Drug Benefit Act* is repealed.

**2** Section 1.5 of the Act is repealed.

**Commencement**

**3** This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 19**  
**ONTARIO ENERGY BOARD ACT, 1998**

**1 Paragraph 1 of subsection 70 (2.1) of the *Ontario Energy Board Act, 1998* is repealed.**

**2 Paragraph 2 of subsection 96 (2) of the Act is repealed.**

**Commencement**

**3 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 20  
ONTARIO IMMIGRATION ACT, 2015**

**1 Clause 14 (1) (b) of the *Ontario Immigration Act, 2015* is repealed and the following substituted:**

- (b) a person licensed and in good standing as an immigration and citizenship consultant under the *College of Immigration and Citizenship Consultants Act* (Canada) or a successor Act to it;

**2 Section 15 of the Act is amended by striking out “A person who acts as a recruiter or a representative” at the beginning and substituting “An applicant and a person who acts as a recruiter or a representative”.**

**3 Subsection 19 (1) of the Act is amended by striking out “two” and substituting “five”.**

**4 Subsection 23 (2) of the Act is amended by adding the following paragraphs:**

- 2.1 An employer who has applied for an approval.

. . . . .

4. A person who is an applicant in a category for entrepreneurs or who has been granted an approval in such a category.

**5 Subsection 34 (2) of the Act is repealed and the following substituted:**

**Process for request**

- (2) To exercise a right under this Act to request an internal review of a decision or an order, the person or body who has the right to make the request shall give written notice of the request to the director within 30 days after receiving notice of the decision or order, as the case may be.

**6 Clause 37 (1) (h) of the Act is repealed and the following substituted:**

- (h) delegating to the Minister the power to make regulations respecting any matter that may be the subject of a regulation under subclause (e) (ii);

**Commencement**

**7 (1) Subject to subsection (2), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 21  
ONTARIO WORKS ACT, 1997**

**1 (1) The definitions of “community participation”, “employment assistance” and “employment measures” in section 2 of the *Ontario Works Act, 1997* are repealed.**

**(2) The definition of “assistance” in section 2 of the Act is repealed and the following substituted:**

“assistance” means employment and life stabilization assistance and basic financial assistance; (“aide”)

**(3) Section 2 of the Act is amended by adding the following definitions:**

“delivery partner” for a geographic area means the delivery partner designated by the Minister to carry out prescribed powers and duties relating to the administration of this Act and the provision of assistance in that area; (“partenaire en prestation de services”)

“employment and life stabilization assistance” means assistance under section 4; (“aide à l’emploi et à la stabilisation de la vie”)

**2 Section 4 of the Act is repealed and the following substituted:**

**Employment and life stabilization assistance**

**4** Employment and life stabilization assistance is the prescribed assistance to help a person to become and stay employed.

**3 Clauses (a) to (c) of subsection 7 (4) of the Act are repealed and the following substituted:**

(a) participate in any prescribed employment and life stabilization assistance activities; and

**4 Subsection 19 (2.1) of the Act is repealed and the following substituted:**

**Overpayment as debt**

(2.1) An overpayment by a delivery agent under this Act is a debt due to the delivery agent and may also be declared in writing by the Director to be a debt due to the Crown in right of Ontario.

**Debt due to Ministry as delivery agent**

(2.2) For greater certainty, a debt due to the Ministry as a delivery agent is a debt due to the Crown in right of Ontario.

**5 Section 22.1 of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Method of recovery, debt due to the Crown**

**22.1** The Crown in right of Ontario may recover an overpayment that is a debt due to the Crown or that has been deemed or declared to be a debt due to the Crown by any remedy or procedure that is available to the Crown by law if the administrator has given a recipient a notice in writing under section 21 and,

. . . . .

**6 Subsection 38 (1) of the Act is repealed and the following substituted:**

**Delivery agents designated**

**38 (1)** The Minister may by regulation designate the Ministry or a municipality, band or board as a delivery agent for each geographic area to exercise the powers and duties of a delivery agent in that geographic area.

**7 Section 43 of the Act is repealed and the following substituted:**

**Administrator appointed, delivery agents other than the Ministry**

**43 (1)** With respect to geographic areas in which the Ministry is not the delivery agent, each delivery agent shall, with the approval of the Director, appoint an administrator to oversee the administration of this Act and the provision of assistance in the delivery agent’s geographic area.

**Administrator appointed, Ministry as delivery agent**

(2) With respect to geographic areas in which the Ministry is the delivery agent, the Minister shall appoint an employee of the Ministry as administrator to oversee the administration of this Act and the provision of assistance in the delivery agent’s geographic area.

**8 Section 50 of the Act is repealed and the following substituted:**

**Delivery partners designated**

**50 (1)** With respect to a geographic area in which the Ministry is the delivery agent, the Minister may by regulation, designate a municipality or district social services administration board as a delivery partner to exercise the powers and duties prescribed by the Minister to the delivery partner.

### **More than one geographic area**

(2) For greater certainty, the same delivery partner may be designated in more than one geographic area and more than one delivery partner may be designated in any geographic area.

### **Terms and conditions**

(3) The Minister may attach terms and conditions to a designation or prescription under subsection (1).

### **Revoke designation**

(4) The Minister may revoke a designation under this section.

### **Powers and duties of delivery partner**

**50.1** (1) A delivery partner is responsible for the powers and duties relating to the administration of this Act and the provision of assistance that have been prescribed by the Minister to the delivery partner in the delivery partner's geographic area.

### **Standard of delivery partner**

(2) A delivery partner shall meet the standards prescribed by the Minister in its performance of its powers and duties and follow the procedures and practices prescribed by the Minister.

### **Decision made by delivery partner**

(3) A decision made by a delivery partner respecting a power or duty that is prescribed by the Minister shall be deemed to be a decision of the administrator.

### **Costs**

**50.2** A delivery partner shall pay the costs assigned to it by the regulations.

### **9 (1) Subsection 52 (1) of the Act is amended by striking out the portion before clause (a) and substituting:**

#### **Payments to delivery agents**

(1) With respect to geographic areas in which the Ministry is not the delivery agent, the Minister shall pay to every delivery agent,

### **(2) Section 52 of the Act is amended by adding the following subsection:**

#### **Payments to delivery partner**

(1.1) With respect to geographic areas in which the Ministry is the delivery agent, the Minister shall pay to every delivery partner,

- (a) an amount determined in accordance with the regulations for Ontario's share of the delivery partner's costs incurred under this Act; and
- (b) if there is a territory without municipal organization in the delivery partner's geographic area, the amount determined in accordance with the regulations for that territory's share of the delivery partner's costs incurred under this Act.

### **10 Section 53 of the Act is amended by adding the following subsection:**

#### **Same, delivery partners**

(1.1) If a geographic area includes more than one municipality, the municipalities' share of a delivery partner's costs incurred under this Act shall be apportioned among the prescribed municipalities in accordance with the regulations.

### **11 (1) Section 54 of the Act is amended by adding the following subsection:**

#### **Same, delivery partner**

(1.1) Each municipality shall pay the amounts required to be provided by it for its share of a delivery partner's costs under this Act to the delivery partner for its geographic area, on demand.

(2) **Subsection 54 (4) of the Act is amended by striking out "The delivery agent or Ontario" at the beginning and substituting "The delivery agent, delivery partner or Ontario".**

**12 Section 55 of the Act is amended by adding "delivery partners," after "delivery agents".**

**13 (1) Subsection 56 (1) of the Act is amended by striking out "delivery agent" and substituting "delivery partner or delivery agent other than the Ministry".**

**(2) Subsection 56 (4) of the Act is repealed and the following substituted:**

### **Interest and penalty**

(4) The Minister may charge a delivery partner or delivery agent other than the Ministry the prescribed interest and penalty if the delivery partner or delivery agent other than the Ministry does not pay to Ontario an amount required to be paid under this Act.

**14 (1) Subsection 71 (7) of the Act is amended by adding “or delivery partner” after “a delivery agent”.**

**(2) Section 71 of the Act is amended by adding the following subsection:**

#### **Delivery partner bound**

(9.1) A delivery partner is bound by the terms and conditions of an agreement with a government or body referred to in subsection (1) unless the delivery partner also has a similar agreement with that body.

**(3) Subsection 71 (12) of the Act is amended by adding “and delivery partner” after “and each delivery agent”.**

**15 (1) Subsection 72 (1) of the Act is amended by adding “or delivery partner” after “delivery agent”.**

**(2) Subsection 72 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

#### **Disclosure of information**

(2) A delivery agent or delivery partner may disclose personal information collected for the purpose of administering or enforcing this Act to any government or body with whom the delivery agent or delivery partner, as the case may be, has made an agreement referred to in subsection (1) if,

**(3) Subsection 72 (5) of the Act is repealed and the following substituted:**

#### **Collection of personal information**

(5) A delivery agent or delivery partner may collect personal information from a government or body with whom the delivery agent or delivery partner, as the case may be, has made an agreement under this section in accordance with that agreement.

**16 Section 73 of the Act is amended by adding “and delivery partner” after “and each delivery agent”.**

**17 Section 73.1 of the Act is repealed.**

**18 (1) Paragraphs 4 and 5 of subsection 74 (1) of the Act are repealed and the following substituted:**

4. respecting employment and life stabilization assistance and the standards delivery agents must meet in providing employment and life stabilization assistance;

**(2) Subparagraph 9 (v) of subsection 74 (1) of the Act is repealed and the following substituted:**

- (v) the obligation to satisfy participation requirements related to employment and life stabilization assistance,

**(3) Subsection 74 (1) of the Act is amended by adding the following paragraph:**

- 34.1 prescribing and assigning costs to a delivery partner;

**(4) Paragraphs 37 to 39 of subsection 74 (1) of the Act are repealed and the following substituted:**

37. respecting the determination of the amounts Ontario shall pay to delivery agents and delivery partners and that delivery agents and delivery partners shall pay to Ontario and the methods of determining those amounts, providing for the manner in which and the intervals at which payments shall be made, for the suspension or withholding of amounts payable by Ontario or part of them and for making deductions from them;
38. respecting the apportionment among municipalities in a geographic area of their share of the delivery agent’s costs and the delivery partner’s costs incurred under this Act and, for the purpose, prescribing the municipalities that must share in that apportionment and the manner in which that share shall be recovered;
39. providing for the recovery by Ontario from a delivery agent and delivery partner of any amounts paid by Ontario under this Act for which the delivery agent and the delivery partner are liable or for the recovery by Ontario or a delivery agent from a recipient of assistance or from his or her estate of amounts paid by Ontario or the delivery agent under this Act, and prescribing the circumstances and manner in which any such recovery may be made;

**(5) Subsection 74 (2) of the Act is repealed and the following substituted:**

#### **Regulations, Minister**

(2) The Minister may make regulations,

1. designating geographic areas and delivery agents and delivery partners for those geographic areas, for the purposes of this Act;



2. prescribing the powers and duties of a delivery partner for the purposes of this Act, the standards a delivery partner is to meet in carrying out its functions and the procedures and practices to be followed by the delivery partner;
3. prescribing standards a delivery agent is to meet in carrying out its functions and the procedures and practices to be followed by the delivery agent;
4. prescribing policy statements which shall be applied in the interpretation and application of this Act and the regulations;
5. respecting agreements between the Ministry and delivery partners and between delivery partners and third parties;
6. prescribing any matter referred to in this Act as prescribed by the Minister.

**(6) Subsection 74 (12) of the Act is amended by adding “or a delivery partner” after “delivery agent”.**

**19 Subsection 77 (1) of the Act is amended by adding “a delivery partner,” after “a delivery agent,”.**

**20 (1) Section 78 of the Act is amended by striking out “delivery agent” and substituting “delivery agent other than the Ministry”.**

**(2) Section 78 of the Act is amended by adding the following subsection:**

**Penalty, delivery partner**

(2) If a delivery partner fails to properly exercise a power or duty under this Act or the regulations, the Minister may deduct from the amount payable by Ontario a portion of the delivery partner’s share of the cost of administering this Act and providing assistance, in accordance with the regulations.

***Social Assistance Reform Act, 1997***

**21 Schedule D to the *Social Assistance Reform Act, 1997* is repealed.**

**22 The Act is amended by striking out “employment assistance” wherever it appears and substituting in each case “employment and life stabilization assistance”.**

***District Social Services Administration Boards Act***

**23 Clause 4 (1) (a) of the *District Social Services Administration Boards Act* is amended by adding “or delivery partner” after “a delivery agent”.**

***Insurance Act***

**24 Subsection 273.1 (1) of the *Insurance Act* is repealed and the following substituted:**

**Information to Ministry of Children, Community and Social Services, etc.**

(1) Every insurer shall provide the Ministry of Children, Community and Social Services, a municipality, a board established under the *District Social Services Administration Boards Act*, a band approved under section 15 of the *General Welfare Assistance Act*, a delivery agent or delivery partner under the *Ontario Works Act, 1997* or a delivery agent under the *Ontario Disability Support Program Act, 1997*, with such information as may be prescribed by the regulations, including personal information, subject to such conditions as may be prescribed by the regulations.

***Ontario Disability Support Program Act, 1997***

**25 (1) Subsections 5 (2) and (3) of the *Ontario Disability Support Program Act, 1997* are repealed.**

**(2) Section 54 of the Act is amended by adding “or delivery partner” after “each delivery agent”.**

**Commencement**

**26 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 22**  
**OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, 2019**

**1 (1) The definition of “health care benefits” in subsection 1 (1) of the *Opioid Damages and Health Care Costs Recovery Act, 2019* is amended by adding the following clause:**

(0.a) home and community care services under the *Connecting Care Act, 2019*,

**(2) Clause (b) of the definition of “health care benefits” in subsection 1 (1) of the Act is repealed and the following substituted:**

(b) community services under the *Home Care and Community Services Act, 1994*, before its repeal,

**Commencement**

**2 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 23**  
**PLANNING ACT — AMENDMENTS PROPOSED BY THE MINISTRY OF ENERGY, NORTHERN  
 DEVELOPMENT AND MINES**

**1 (1) Subsection 62 (1) of the *Planning Act* is repealed and the following substituted:**

**Exempted projects by transmitters, OPG**

(1) A project within the meaning of the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) the project is undertaken by a transmitter in respect of a transmission system, within the meaning of those terms under the *Electricity Act, 1998*, and,
  - (i) the project is approved under Part II.3 of the *Environmental Assessment Act*, or
  - (ii) the prescribed requirements for commencing the project under Part II.4 of the *Environmental Assessment Act* have been satisfied; or
- (b) the project is undertaken by Ontario Power Generation Inc. and has been approved under Part II.3 of the *Environmental Assessment Act*.

**(2) Section 62 of the Act is amended by adding the following subsection:**

**Transition**

(3) Subsection (1), as it read on the day before the day subsection 1 (1) of Schedule 23 to the *Supporting Recovery and Competitiveness Act, 2021* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

***COVID-19 Economic Recovery Act, 2020***

**2 Subsections 62 (2) and (3) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* are repealed.**

**Commencement**

**3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 24**  
**PLANNING ACT — AMENDMENTS PROPOSED BY THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

**1 Subsection 47 (2) of the *Planning Act* is amended by striking out “subsections 45 (4) to (8)” and substituting “subsections 45 (4) to (8.2)”.**

**2 (1) Section 50 of the Act is amended by adding the following subsection:**

**Interpretation, “retained land”**

(1.0.0.1) For the purposes of this section and section 53, a reference to “retained land” refers to the whole of a parcel of land that abuts land that is the subject of a certificate given under subsection 53 (42) allowing the conveyance by way of a deed or transfer with a consent that was given on or after March 31, 1979 and that did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or other transaction.

**(2) Subsections 50 (1.1) to (1.5) of the Act are repealed and the following substituted:**

**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 of the following:

1. One or more applications for a consent or for a certificate of validation specified in the order.
2. Any or all applications for consents or for certificates of validation made after the order is made.
3. One or more applications for a certificate of cancellation specified in the order.
4. Any or all applications for certificates of cancellation made after the order is made.

**Minister to grant consents, etc.**

(1.2) If an order is made under subsection (1.1),

- (a) the Minister has the power of the council to,
  - (i) grant consents or issue certificates of validation in respect of applications to which the order relates, and
  - (ii) issue certificates of cancellation in respect of applications to which the order relates; and
- (b) 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.

**Effect of revocation**

(1.3) If the Minister revokes the order or part of the order made under subsection (1.1),

- (a) the power to grant consents or to 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; and
- (b) the power to issue certificates of cancellation reverts back to the council in respect of all applications to which the revoked order or revoked part of the order applied.

**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 or to issue certificates of validation or certificates of cancellation and the delegation may be subject to such conditions as the order provides.

**Effect of revocation**

(1.5) If the Minister revokes the order or part of the order made under subsection (1.4),

- (a) the power of the municipal planning authority to grant consents 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 applied;
- (b) the power of the municipal planning authority to issue certificates of cancellation reverts back to the Minister in respect of all applications to which the revoked order or revoked part of the order applied; and
- (c) 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 applied and of which a final disposition was not made by the municipal planning authority before the order or part of the order was revoked.

**(3) Subsection 50 (3) of the Act is amended by adding the following clause:**

(a.1) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;

**(4) Clause 50 (3) (b) of the Act is repealed and the following substituted:**

(b) the person 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,

(i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,

(ii) land that is within a registered description under the *Condominium Act, 1998*, or

(iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or other transaction;

**(5) Clause 50 (3) (g) of the Act is repealed and the following substituted:**

(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 to that person's successor in title, provided the person to whom it is being disposed of holds 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, land abutting the land being disposed of; or

**(6) Subsection 50 (5) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Part-lot control**

(5) If land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey any part of the land other than the whole of any lot or block by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of such part, or mortgage or charge such part, or enter into an agreement of sale and purchase of such part or enter into any agreement that has the effect of granting the use of or right in such part directly or by entitlement to renewal for a period of 21 years or more unless,

**(7) Clause 50 (5) (a) of the Act is repealed and the following substituted:**

(a) the person 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,

(i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,

(ii) land that is within a registered description under the *Condominium Act, 1998*, or

(iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (3) applies to any subsequent conveyance or other transaction;

**(8) Subsection 50 (5) of the Act is amended by adding the following clause:**

(a.2) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;

**(9) Clause 50 (5) (g) of the Act is repealed and the following substituted:**

(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 to that person's successor in title, provided the person to whom it is being disposed of holds 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, land abutting the land being disposed of; or

**(10) Subsection 50 (6) of the Act is repealed and the following substituted:**

**Conveyance of retained land**

(6) Despite subsections (3) and (5), retained land may be conveyed or otherwise dealt with before the land that is the subject of the consent is dealt with, provided the retained land is conveyed or otherwise dealt with before the consent lapses under subsection 53 (43).

**(11) Subsection 50 (9) of the Act is amended by striking out “in a part of a building or structure for any period of years” at the end and substituting “in a part of a building or structure, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for any period of years”.**

**(12) Section 50 of the Act is amended by adding the following subsection:**

**Same**

(9.1) For greater certainty, subsection (9) applies to an agreement that has the effect of granting the use of or right in a part of a building or structure, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for the lifetime of an individual.

**(13) Subsection 50 (18) of the Act is repealed and the following substituted:****Foreclosure or exercise of power of sale**

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law unless,

- (a) all of the land that is then subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale; or
- (b) all of the land included in the foreclosure or exercise of the power of sale could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section.

**(14) Subsection 50 (18.1) of the Act is repealed.**

**(15) Subsection 50 (23) of the Act is amended by adding “or otherwise determining compliance with this section” after “subclause (22) (c) (ii)”.**

**3 (1) Subsection 51 (13) of the Act is amended by striking out “applies” at the end and substituting “applied”.**

**(2) Subsection 51 (19.1) of the Act is amended by striking out “the clerk of the municipality” and substituting “the clerk of the local municipality”.**

**(3) Subsection 51 (19.3.1) of the Act is amended by striking out “clause (19.4) (a) and subsections (20) and (21) do not apply” at the end and substituting “clause (19.4) (a) and subsections (19.4.1) and (20) to (21) do not apply”.**

**(4) Subsection 51 (19.4) of the Act is repealed and the following substituted:**

**Notice of particulars and public access**

(19.4) Subject to subsection (19.4.1), 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), the approval authority shall ensure that,

- (a) the prescribed persons and public bodies are given notice of the application, in the prescribed manner, and that the notice is accompanied by the prescribed information; and
- (b) the information and material provided under subsections (17) and (18) are made available to the public.

**Exception**

(19.4.1) Subsection (19.4) does not apply if the land that is the subject of the application is not located in a municipality or in the planning area of a planning board.

**Request by approval authority**

(19.4.2) 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 the notice of the application referred to in clause (19.4) (a) and make the information and material referred to in clause (19.4) (b) available to the public.

**Responsibilities**

(19.4.3) A local municipality or planning board that is requested under subsection (19.4.2) to give notice of the application shall ensure that the notice is given in accordance with clause (19.4) (a).

**(5) Subsection 51 (20) of the Act is repealed and the following substituted:**

**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, for the purpose of giving the public an opportunity to make representations in respect of the proposed subdivision.

**Notice of meeting**

(20.1) Notice of the public meeting required under subsection (20),

- (a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and
- (b) shall be accompanied by the prescribed information.

### **Participation in public meeting**

(20.2) Every person who attends a public meeting referred to in subsection (20) shall be given an opportunity to make representations in respect of the proposed subdivision.

### **Information**

(20.3) At a public meeting referred to in subsection (20), the approval authority shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (34), (39), (43) and (48).

### **Transition**

(20.4) For clarity, subsections (20.2) and (20.3) do not apply with respect to a public meeting held before the day those subsections came into force.

### **(6) Clauses 51 (21.1) (a) and (b) of the Act are repealed and the following substituted:**

- (a) notice of the meeting is given in accordance with subsection (20.1);
- (b) the public meeting is held in accordance with subsections (20), (20.2) and (20.3); and

### **(7) Subsection 51 (35) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

### **(8) Subsection 51 (50) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

### **4 (1) Subsection 53 (1) of the Act is repealed and the following substituted:**

#### **Same**

(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’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.

#### **Same**

(1.1) For the purposes of subsection (1), a purchaser of land is a person who has entered into an agreement of purchase and sale to acquire the land and who is authorized in the agreement of purchase and sale to make the application.

### **(2) Section 53 of the Act is amended by adding the following subsections:**

#### **Amendment to application**

(4.2.1) An application may be amended by the applicant at any time before the council or the Minister gives or refuses to give a consent.

#### **Terms**

(4.2.2) If an application is amended by the applicant, the council or the Minister may impose such terms as the council or Minister considers appropriate, including terms,

- (a) requiring the provision of additional information and material in relation to the amendment; and
- (b) specifying that the time period referred to in subsection (14) is deemed not to have begun until the later of,
  - (i) the date the application was amended, and
  - (ii) if additional information and material was required under clause (a), the date on which all the information and material was provided.

#### **Fees**

(4.2.3) For greater certainty, the council or the Minister may include fees in respect of an amendment to an application in its fees established under section 69 or 69.1, as the case may be.

#### **Other**

(4.2.4) For greater certainty, subsection (4.2.1) shall not be construed as preventing a person from amending any other type of application under this Act.

### **(3) Section 53 of the Act is amended by adding the following subsection:**

### **Requirements re public meeting**

(5.1) If a regulation referred to in clause (5) (b) is made requiring a public meeting, the regulation may also specify one or more purposes of the public meeting, such persons or entities who are entitled to make representations at the public meeting and any information required to be made available at the public meeting.

**(4) Section 53 of the Act is amended by adding the following subsection:**

**Same**

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land.

**(5) Subsection 53 (15) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

**(6) Subsection 53 (17) of the Act is amended by adding “and” at the end of clause (b) and by repealing clause (c).**

**(7) Subsection 53 (18.1) of the Act is amended by striking out “provisional consent” wherever it appears and substituting in each case “application”.**

**(8) Subsection 53 (28) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

**(9) Subsection 53 (39) of the Act is amended by striking out “If the decision of the Tribunal under subsection (34) is that a provisional consent be given” at the beginning and substituting “If a provisional consent has been given by the Tribunal under subsection (34)”.**

**(10) Subsection 53 (40) of the Act is repealed and the following substituted:**

**Same**

(40) If a provisional consent has been given by the Minister or the council and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given. However, 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.

**(11) Subsection 53 (41) of the Act is repealed and the following substituted:**

**Conditions not fulfilled**

(41) If conditions have been imposed and the applicant has not, within a period of two years 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 two years 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).

**Transition**

(41.1) For greater certainty, subsection (41), as it reads on and after the day subsection 4 (11) of Schedule 24 to the *Supporting Recovery and Competitiveness Act, 2021* comes into force, does not apply with respect to an application that was, before that day, deemed to have been refused under subsection (41), as it read immediately before that day.

**(12) Section 53 of the Act is amended by adding the following subsection:**

**Same, retained land**

(42.1) If a consent has been given under this section to a conveyance of a part of a parcel of land and the consent did not stipulate that subsection 50 (3) or (5) applies to any subsequent conveyance or other transaction, the clerk of the municipality or the Minister, as the case may be, shall give the same form of certificate described in subsection (42) to the applicant for the retained land resulting from the consent, if the applicant, in making the application for consent,

(a) requests that the certificate be given; and

(b) provides a registrable legal description of the retained land.

**(13) Section 53 of the Act is amended by adding the following subsections:**

**Certificate of cancellation**

(45) An owner of land that was previously conveyed with a consent, or the owner’s agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50 (12) does not



apply in respect of the land that was the subject of the consent and that subsection 50 (3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land.

**Same, deemed delegation**

(46) A delegation by the Minister under section 4 or by a council or planning board under section 5 of the Minister's authority for the giving of consents under this section shall be deemed to include the authority to issue certificates of cancellation under subsection (45).

**Same, application**

(47) An application referred to in subsection (45) shall be accompanied by any prescribed information and material and such other information or material as the council or the Minister, as the case may be, requires.

**Provision of certificate**

(48) If an application for a certificate of cancellation is made under subsection (45), the council or the Minister, as the case may be, may provide the certificate to the applicant.

**Cancellation**

(49) After the registration of a certificate of cancellation referred to in subsection (45),

- (a) subsection 50 (3) or (5), as the case may be, applies to any subsequent conveyance or other transaction involving land that is the subject of the certificate despite subsection 50 (12); and
- (b) for the purposes of subsection 50 (3) or (5), as the case may be, the land that is the subject of the certificate is deemed not to be land that was previously conveyed by way of a deed or transfer with a consent.

**5 (1) Subsection 54 (2.1) of the Act is amended by striking out “to give approvals under subsection 50 (18) and” and substituting “to issue certificates of cancellation under subsection 53 (45) and”.**

**(2) Subsection 54 (2.2) of the Act is amended by striking out “to give approvals under subsection 50 (18) or”.**

**(3) Subsection 54 (6.1) of the Act is repealed and the following substituted:**

**Same**

(6.1) Where, under subsection (2) or (5), a committee of adjustment has the authority to issue certificates of cancellation under subsection 53 (45) and the authority to issue certificates of validation under section 57, subsections 45 (8) to (8.2) apply in the exercise of that authority, but subsections 45 (4) to (7) and (9) to (20) do not apply.

**(4) Subsection 54 (7) of the Act is amended by striking out “all applications for consent, for approval under subsection 50 (18) or for the issuance of a certificate of validation under section 57” and substituting “all applications for consent, for the issuance of a certificate of validation under section 57 or for the issuance of a certificate of cancellation under subsection 53 (45)”.**

**6 Subsection 55 (1) of the Act is amended by striking out “the authority to give approvals under subsection 50 (18) or the authority” and substituting “to issue certificates of cancellation under subsection 53 (45) or”.**

**7 Subsections 57 (6) and (7) of the Act are repealed and the following substituted:**

**Criteria for certificate**

(6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53.

**8 Paragraph 26 of subsection 70.1 (1) of the Act is repealed.**

**Commencement**

**9 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 25**  
**REGULATED HEALTH PROFESSIONS ACT, 1991**

**1** The definition of “Advisory Council” in subsection 1 (1) of the *Regulated Health Professions Act, 1991* is repealed.

**2** (1) Subsection 6 (1) of the Act is repealed and the following substituted:

**Annual report**

(1) Each College shall report annually to the Minister on its activities and financial affairs.

(2) Subsection 6 (4) of the Act is repealed and the following substituted:

**Content and form**

(4) The Minister may specify the content and form of the annual reports submitted by the College and, where the Minister has done so, the annual reports shall contain that content and be in that form.

(3) Subsection 6 (7) of the Act is repealed and the following substituted:

**Additional audits**

(7) The College shall be subject, at any time, to any other audits relating to any aspect of its affairs as the Minister may determine to be appropriate, conducted by an auditor appointed by or acceptable to the Minister.

**3** Sections 7 to 17 of the Act are repealed.

**4** Section 38 of the Act is amended by striking out “the Advisory Council, a College, a Council, or a member, officer, employee, agent or appointee of the Advisory Council, a College” and substituting “a College, a Council, or a member, officer, employee, agent or appointee of a College”.

**5** Subsection 84 (4) of Schedule 2 to the Act is repealed.

*Audiology and Speech-Language Pathology Act, 1991*

**6** Section 9 of the *Audiology and Speech-Language Pathology Act, 1991* is repealed.

*Chiropody Act, 1991*

**7** Section 11 of the *Chiropody Act, 1991* is repealed.

*Chiropractic Act, 1991*

**8** Section 10 of the *Chiropractic Act, 1991* is repealed.

*Dental Hygiene Act, 1991*

**9** Section 10 of the *Dental Hygiene Act, 1991* is repealed.

*Dental Technology Act, 1991*

**10** Section 8 of the *Dental Technology Act, 1991* is repealed.

*Dentistry Act, 1991*

**11** Section 10 of the *Dentistry Act, 1991* is repealed.

*Denturism Act, 1991*

**12** Section 9 of the *Denturism Act, 1991* is repealed.

*Dietetics Act, 1991*

**13** Section 8 of the *Dietetics Act, 1991* is repealed.

*Homeopathy Act, 2007*

**14** Section 8 of the *Homeopathy Act, 2007* is repealed.

*Kinesiology Act, 2007*

**15** Section 8 of the *Kinesiology Act, 2007* is repealed.

*Massage Therapy Act, 1991*

**16** Section 8 of the *Massage Therapy Act, 1991* is repealed.

*Medical Laboratory Technology Act, 1991*

**17** Section 10 of the *Medical Laboratory Technology Act, 1991* is repealed.

*Medical Radiation and Imaging Technology Act, 2017*

**18** Section 10 of the *Medical Radiation and Imaging Technology Act, 2017* is repealed.

*Medicine Act, 1991*

**19 Section 10 of the *Medicine Act, 1991* is repealed.**

*Midwifery Act, 1991*

**20 Section 9 of the *Midwifery Act, 1991* is repealed.**

*Naturopathy Act, 2007*

**21 Section 9 of the *Naturopathy Act, 2007* is repealed.**

*Nursing Act, 1991*

**22 Section 12 of the *Nursing Act, 1991* is repealed.**

*Occupational Therapy Act, 1991*

**23 Section 8 of the *Occupational Therapy Act, 1991* is repealed.**

*Opticianry Act, 1991*

**24 Section 10 of the *Opticianry Act, 1991* is repealed.**

*Optometry Act, 1991*

**25 Section 10 of the *Optometry Act, 1991* is repealed.**

*Pharmacy Act, 1991*

**26 Section 11 of the *Pharmacy Act, 1991* is repealed.**

*Physiotherapy Act, 1991*

**27 Section 9 of the *Physiotherapy Act, 1991* is repealed.**

*Psychology Act, 1991*

**28 Section 9 of the *Psychology Act, 1991* is repealed.**

*Psychotherapy Act, 2007*

**29 Section 9 of the *Psychotherapy Act, 2007* is repealed.**

*Respiratory Therapy Act, 1991*

**30 Section 10 of the *Respiratory Therapy Act, 1991* is repealed.**

*Traditional Chinese Medicine Act, 2006*

**31 Section 9 of the *Traditional Chinese Medicine Act, 2006* is repealed.**

**Commencement**

**32 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 26  
STATUTE LABOUR ACT**

**1 Sections 38 and 39 of the *Statute Labour Act* are repealed and the following substituted:**

**Transition**

**38** (1) Subject to subsection (2), a person who is elected as a road commissioner in 2021 shall dispose of the assets and liabilities of the office for which they are elected commissioner.

**Exception, board established under the *Local Roads Board Act***

(2) If a road commissioner has jurisdiction over an area in which a board is established, on or before December 31, 2021, under the *Local Roads Boards Act*, subsection (1) does not apply to assets in respect of such area.

***Better for People, Smarter for Business Act, 2019***

**2 Subsection 15 (3) of Schedule 14 to the *Better for People, Smarter for Business Act, 2019* is amended by striking out “July 1, 2021” and substituting “January 1, 2022”.**

**Commencement**

**3 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 27**  
**STATUTORY POWERS PROCEDURE ACT**

**1 Clause 3 (2) (d) of the *Statutory Powers Procedure Act* is repealed and the following substituted:**

(d) before an arbitrator to which the *Arbitration Act, 1991* or the *Labour Relations Act, 1995* applies;

**2 The French version of subsection 14 (1) of the Act is amended by striking out “, notamment à la demande de la Couronne” and substituting “introduite notamment par la Couronne”.**

**3 The Act is amended by adding the following section:**

**Prohibition on photographs, recordings, dissemination**

**29 (1)** No person shall,

- (a) take or attempt to take a photograph, audio or video recording or other record capable of producing or transmitting visual or aural representations by electronic means or otherwise,
  - (i) at a hearing,
  - (ii) of any person entering or leaving the room in which a hearing is to be or has been convened, or
  - (iii) of any person in the building in which a hearing is to be or has been convened if there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing, other than in an area of the building designated by the tribunal for the purpose and with the person’s consent;
- (b) publish, broadcast, reproduce or otherwise disseminate a photograph, recording or record taken in contravention of clause (a); or
- (c) broadcast, reproduce or otherwise disseminate an audio recording described in clause (2) (b).

**Non-application**

(2) Subsection (1) does not apply with respect to,

- (a) the unobtrusive making of notes or sketches of events at a hearing by a person;
- (b) the making of an audio recording at a hearing, unobtrusively and in a manner authorized by the tribunal, by a representative, a party acting on their own behalf or a journalist, for the sole purpose of supplementing or replacing notes; or
- (c) subject to the authorization of the tribunal, any act referred to in subsection (1),
  - (i) if it is required for the presentation of evidence, the making of a record or any other purpose of the hearing,
  - (ii) with the consent of the parties and witnesses, or
  - (iii) in connection with any ceremonial proceeding.

**Offence and penalty**

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

***Police Services Act***

**4 Section 83 of the *Police Services Act* is amended by adding the following subsection:**

**Same**

(16.1) Subsection (16) applies instead of section 29 of the *Statutory Powers Procedure Act*.

***Veterinarians Act***

**5 (1) Section 29 of the *Veterinarians Act* is amended by adding the following subsection:**

**Application of section**

(5) This section applies instead of section 29 of the *Statutory Powers Procedure Act*.

(2) **Subsection 33 (9) of the Act is amended by striking out “29 (1), (2) and (3)” and substituting “29 (1), (2), (3) and (5)”.**

(3) **Subsection 37 (7) of the Act is amended by striking out “29 (1), (2) and (3)” and substituting “29 (1), (2), (3) and (5)”.**

**Commencement**

**6 This Schedule comes into force on the day the *Supporting Recovery and Competitiveness Act, 2021* receives Royal Assent.**

**SCHEDULE 28**  
**UNIVERSITÉ DE HEARST ACT, 2021**

**Definitions**

**1** In this Act,

“board” means the board of governors of the University; (“conseil”)

“Minister” means the Minister of Colleges and Universities or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*; (“ministre”)

“property” includes real and personal property; (“biens”)

“senate” means the senate of the University; (“sénat”)

“University” means the Université de Hearst continued under section 2. (“Université”)

**Collège de Hearst continued**

**2** (1) Collège de Hearst is continued as a corporation without share capital under the name Université de Hearst and shall consist of the members of its board.

**Conflict with *Corporations Act***

(2) In the event of a conflict between a provision of this Act or a regulation made under it and a provision of the *Corporations Act*, this Act or the regulation made under it prevails.

**Objects**

**3** The University has such objects and special missions as may be prescribed by regulation.

**Powers**

**4** The University has all the powers necessary and incidental to its objects, including the power to grant the degrees prescribed by regulation and any other degrees the University may be authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*.

**Affiliates**

**5** (1) The University may affiliate or federate with other universities, colleges, research institutions and institutions of learning on such terms and for such periods of time as the board may determine.

***The Laurentian University of Sudbury Act, 1960***

(2) Section 27 of *The Laurentian University of Sudbury Act, 1960* does not apply to the University.

**Board of governors composition**

**6** (1) There shall be a board of governors of the University composed of the following members:

1. The president of the University, who shall be a member by virtue of office.
2. The chancellor of the University, if one is appointed, who shall be a member by virtue of office.
3. One person appointed by the president of the University from among the vice-presidents or other senior officers of the University.
4. Three persons elected by the teaching staff of the University from among themselves.
5. Two persons elected by the students of the University from among themselves.
6. Two persons elected by the non-teaching employees of the University from among themselves.
7. Five persons appointed by the Lieutenant Governor in Council, who shall not be students, members of the teaching staff or non-teaching employees of the University.
8. Nine other persons who shall be appointed by the board, who shall not be students, members of the teaching staff or non-teaching employees of the University.

**Composition and procedures**

(2) The board shall comply with any further requirements prescribed by regulation with respect to its composition and procedures.

**Powers and duties**

(3) The board is responsible for governing and managing the affairs of the University and has the powers and duties prescribed by regulation.

## **Senate**

7 (1) There shall be a senate of the University composed of not more than 40 members, including the following members:

1. The following persons who are members by virtue of their office:
  - i. The president of the University.
  - ii. The vice-president of the University.
  - iii. The registrar of the University.
2. Not less than two persons and not more than the number of persons that is one-fifth the total size of the senate, elected by the students of the University from among themselves, as set out in senate by-laws.
3. One person elected by the teaching staff of each teaching unit from among themselves.
4. One person elected by the teaching staff of the University from among themselves.
5. One person, other than the president or chancellor of the University, appointed by the board from among the board members.
6. Such other persons, other than the chancellor of the University, as may be determined by senate by-law.

## **Composition and procedures**

(2) The senate shall comply with any further requirements prescribed by regulation with respect to its composition and procedures.

## **Powers and duties**

(3) The senate is responsible for determining and regulating the educational policy of the University and has the powers and duties prescribed by regulation.

## **Meetings**

8 (1) Subject to subsection (2), meetings of the board and of the senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in the manner provided in the by-laws of the board or senate.

## **Closed meeting**

(2) The board or the senate, as the case may be, may meet in the absence of the public to discuss a matter of a personal nature concerning an individual or to discuss a confidential matter as determined in accordance with the by-laws of the board or senate.

## **By-laws**

(3) The board and the senate shall publish their by-laws on the website of the University.

## **Chancellor**

9 A chancellor of the University may be appointed, if the regulations provide for the appointment of a chancellor.

## **President**

10 (1) There shall be a president of the University appointed by the board in such manner and for such term as the board shall determine.

## **Powers and duties**

(2) The president is the chief executive officer of the University and has supervision over and direction of the academic and general administration of the University, its students, managers, teaching staff and non-teaching employees and such other powers and duties as may be conferred upon or assigned to the president by the board.

## **Property**

11 (1) The University may purchase or otherwise acquire, take by gift, devise or bequest and hold such property as the board considers necessary for the objects of the University, and may mortgage, sell or otherwise dispose of the same as the board, in its absolute discretion, considers appropriate.

## **Protection from expropriation**

(2) Land vested in the University is not liable to be entered upon, used or taken by any person or corporation, and no power to expropriate land conferred after this subsection comes into force shall extend to such land unless the statute conferring the power expressly provides otherwise.

## **Use of property**

(3) The property and the revenue of the University shall be applied solely to achieving the objects of the University.

**Investments**

(4) The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the board, in its absolute discretion, considers appropriate and, except where a trust instrument otherwise directs, such funds may be combined with trust money belonging to various trusts in the care of the board into a common trust fund.

**Borrowing**

**12** The University, if authorized by the by-laws of the board, may, on such terms and in such amounts as the board may approve,

- (a) borrow money and give security for money borrowed; and
- (b) issue or give bonds, debentures and obligations as security.

**Audits and reports**

**13** (1) The board shall appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the University at least once a year.

**Financial report**

(2) The University shall make a financial report annually to the Minister in such form and containing such information as the Minister may require.

**Other reports**

(3) The University shall submit to the Minister such other reports as the Minister may require in such form and containing such information as the Minister may require.

**Contracts with Laurentian University of Sudbury, etc.**

**14** Any contract described as follows that was in effect on the day this section comes into force is subject to the regulations and to any amendments to the contract that may be prescribed by regulation:

1. A contract between the University and Laurentian University of Sudbury.
2. A contract between the University and an entity related to Laurentian University of Sudbury.
3. A contract between the University and any combination of the other parties referred to in paragraph 1 or 2.

**No cause of action re enactment of Act, etc.**

**15** (1) No cause of action arises against the Crown or any of the Crown's current or former ministers, agents, appointees and employees, or against the University or any current or former members of the board or senate or current or former officers or employees of the University,

- (a) as a direct or indirect result of the enactment, amendment or repeal of any provision of this Act; or
- (b) as a direct or indirect result of the making, amending or revoking of any provision of a regulation under this Act.

**Proceedings barred**

(2) No proceeding, including but not limited to any proceeding in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against a person referred to in that subsection.

**Application**

(3) Without limiting the generality of subsection (2), that subsection applies to a proceeding, including any court, arbitral or administrative proceeding, claiming any remedy or relief, including specific performance, injunction, declaratory relief or any form of damages or any other remedy or relief, or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.

**Judicial review**

(4) This section does not apply to prevent an application for judicial review.

**Not entitled to be compensated**

**16** Despite any other Act or law, no person is entitled to be compensated for any loss or damages, including loss of revenues, loss of profit or loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from anything referred to in subsection 15 (1).

**Transition, board**

**17** (1) Despite anything in this Act, but subject to subsection (2), the persons who were members of the board of governors or members of the senate of Collège de Hearst on the day immediately before the day section 2 of this Act came into force shall, on and after that day, constitute the board and the senate, respectively, of the University.



### Same

(2) The board and the senate of the University shall, no later 12 months after the day section 2 of this Act comes into force, appoint or elect such new members of the board and senate as are necessary in order to ensure that the board and senate are constituted in accordance with the requirements of this Act.

### Regulations

**18 (1)** The Lieutenant Governor in Council may make regulations governing anything necessary or advisable for the effective administration and implementation of this Act, including regulations,

- (a) prescribing the objects and special missions of the University;
- (b) prescribing the degrees that the University may grant;
- (c) governing the board of governors, including regulations,
  - (i) prescribing the powers and duties of the board,
  - (ii) governing the composition of the board, terms of office for board members, the filling of vacancies on the board, quorum requirements and conflicts of interest for board members,
  - (iii) authorizing the board to make by-laws regulating its proceedings and generally for the conduct and management of its activities, including in respect of matters referred to in subclause (ii);
- (d) governing the senate, including regulations,
  - (i) prescribing the powers and duties of the senate,
  - (ii) governing the composition of the senate, terms of office for senate members, the filling of vacancies on the senate and quorum requirements,
  - (iii) authorizing the senate to make by-laws regulating its proceedings and generally for the conduct and management of its activities, including in respect of matters referred to in subclause (ii);
- (e) governing the appointment of a chancellor of the University and prescribing the duties of the chancellor;
- (f) governing contracts described in section 14, including specifying amendments to any such contract;
- (g) defining any term or phrase used in this Act that is not defined in this Act;
- (h) respecting any transitional matter the Lieutenant Governor in Council considers necessary or advisable in connection with the continuation of the University by this Act or with the administration or implementation of this Act, including regulations,
  - (i) governing the composition of the first board of the University and the first senate of the University,
  - (ii) governing the first by-laws, policies and other instruments of the University,
  - (iii) governing the recognition of credits and marks awarded to students of the University, and the rights and privileges of those students,
  - (iv) governing the legal effect of the continuance of the University, including matters concerning the vesting of property and the assumption of obligations, liabilities, and the benefits and burdens of contracts, collective agreements and covenants.

### Application to existing property, etc.

(2) If it so provides, a regulation made under subclause (1) (h) (iv) applies in respect of property, obligations, contracts, collective agreements and covenants that existed before the regulation comes into force.

### Conflict

(3) In the event of a conflict between a regulation made under clause (1) (h) and this Act, the regulation prevails.

### Amendment to this Act

**19 Subsection 2 (2) of this Act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.**

### Commencement

**20 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**(2) Section 19 comes into force on the later of the day subsection 2 (2) of this Schedule comes into force and the day subsection 4 (1) of the Not-for-Profit Corporations Act, 2010 comes into force.**

**Short title**

**21** The short title of the Act set out in this Schedule is the *Université de Hearst Act, 2021*.