

INFORMATION REPORT

RE: Ontario Planning Act Reforms, 2006 – Bill 51
Ontario's New Planning Act

Background:

The Ontario Planning Act (PA) was revised in October 2006. The changes, however, did not become law until January 2, 2007 when the new PA was proclaimed by the Lieutenant Governor in Council.

On Friday January 19, 2007 staff was in Toronto at a session/workshop concerning the new PA. It was sponsored by the Ministry of Municipal Affairs and Housing (MMAH) for ministry and agency managers (e.g., Conservation Authorities, Niagara Escarpment Commission). More sessions/workshops will follow for the line staff of ministries, municipalities, agencies, etc.

Highlights:

1. Ontario's new PA became law on January 1, 2007.
2. The transition clause is very simple, for an application or matter made/submitted/in the mill before January 1, 2007 the old PA provisions apply. Anything made after January 2, 2007, the new PA applies. Some of the new sections still require a Ministers Regulation before they can be used (e.g., Development Permit System, Local Appeal Bodies, Conditional Zoning).
3. Conformity with Provincial Plans and Policies is now explicitly required in all planning matters (must be consistent with). These Plans/policies must be reflected in PA matters on the date a final decision is made and not when the application was filed, etc. This change is an improvement but the problem remains in that it is the municipality that determines whether, in its opinion, the Provincial Plan or Policy is met and, where there is an appeal, the OMB, if there is a hearing. Therefore, conformity may continue to be a problem since, although the NEC may be consulted, it does not make the determination.
4. Official Plans (Ops) must be reviewed every five years and bylaws every three. The municipality must provide an open house, notice and public meeting as part of the process.
5. Regulations will specify who must be consulted on planning application and these include approval authorities and public bodies. Parks Canada and railway companies must now be consulted. Notice must be given to tall approval authorities.
6. Municipalities may also pass a by-law to require pre-consultation of planning applications, but may not refuse a request for pre-consultation in the absence of a by-law.

7. Open houses must be held before public meetings on most planning applications (e.g., OPAs, zoning changes, Community Improvement Plans). Specific or additional time lines are set for matters like public meetings, notices, decisions on the completeness of applications, rejection of applications and decisions
8. Complete applications are now required. The PA will set our minimum standards but the municipality can add to them if they adopt higher standards through their OP. The OMB will make the final determination if there is a dispute on whether an application is complete. The planning information (on a complete application) submitted to a council must be the same filed with the OMB/Joint Board where there is a hearing. If new information is filed the OMB can refuse to consider it, sent the whole matter back to council or consider it if the OMB thinks that the information would have made no difference to council's.
9. Urban boundaries and changes to employment lands within an urban boundary can only be modified by a municipality. A non-decision or refusal cannot be appealed to the OMB. These issues are however open to appeal at the time a municipality does its five year OP review.
10. The PA now has the option of a Development Permit System (DPS). Policies for the System must be included in the OP before it can be used. Once in place not appeals are allowed except by the applicant. It acts as a minor variance, site planning, landscaping and design process. It will be a learning experience for municipalities. It is mostly an approval system; however councils (or their designate) can also refuse applications. Permits can be issued without conditions, conditionally or with conditions. Matters may be registered on title. In many respects it is similar to the DPS used under the Niagara Escarpment Planning Development Act.
11. Community Improvements Plans (CIPs) can now include matters related to energy efficiency. CIPs may now be developed by an upper tier municipality (formerly only lower tier). There is now more flexibility to provide loans and grants for projects. These plans can now also deal with construction and affordable housing matters.
12. Municipalities can require energy efficiency and conservation on planning applications (through design, siting, materials, etc).
13. Municipalities now have the power to set minimum or maximum heights and densities.
14. Site plan control has been changed to specifically include colour, texture, materials and design. Appeals to the OMB are allowed on these issues.
15. Municipalities may allow second dwelling units. They must have the provision in their OP. If approved, zoning may be passed. The zoning may not be appealed. The issue is open for reconsideration at the 5 year review of the OP. The permission for an approved second dwelling cannot be revoked once the unit is put in place.

16. Conditional zoning is now allowed. This means that a zoning bylaw could ask for covenants, agreements, dedications etc. MMAH will scope these powers through a Regulation.
17. Municipalities may remove the required park dedications or cash in lieu in certain situations. Such situations must be set out in the OP.
18. Municipalities can now take lands for pedestrian trails, bike paths and transit ways.
19. The OMB must now have regard for municipal decisions (as opposed to be consistent with in the case of Provincial Plans and Policies).
20. Local Appeal Bodies (LABs) may hear consents and minor variances and their decisions are final except on a matter of law (this could be problematic for NEC unless rules are very clear from MMAH in the future regulation). LABs may not make a determination on the completeness of an application. The OMB will still hear variances and consents where other related appeals are before the OMB (e.g. an OPA). LABs may not include a municipal employee, an elected official from the municipality or others prescribed by the MMAH. LABs cannot include more than one municipality (i.e., Joint LABs prohibited). It is anticipated that only major municipalities will use LABs because of the resources required to set these Bodies up and administer them.
21. To have standing before the OMB one must have made a submission to council on the matter. Correspondence is considered a submission. Persons may be added by the OMB if reasonable grounds exist to believe that they have an interest in the appeal. The OMB can now dismiss applications for abuse of process (e.g., the filing of numerous applications for the same project).
22. The OMB can also dismiss all or part of an application if the Board determines that the application before it is substantially different than the proposal that was before the municipality. Alternatively the OMB can send the application back to the municipality (for a position) where the Board decides that the new information may have effected the decision of the council. The OMB can proceed with a hearing if the Board decides that the new material/information would not have changed the council's decision.
23. The new PA also allows an energy project or classes of energy projects to be exempted from PA (e.g., OP and zoning) requirements if an environmental assessment has been conducted or an order has been approved. This Section of the PA is not in force since no order has been given and no EA classes have been exempted. This does not directly impact the Niagara Escarpment Plan since the NEPDA is not subject to this possible future planning exemption.

A reference chart prepared by MMAH is attached outlining the various major changes made to the PA.

Conclusion:

Overall the changes to the Planning Act are positive and complement the other Provincial initiatives related to the Greenbelt and its associated Plans, the Growth Plan, the Provincial Policy Statement, the Clean Water Act, the Greater Toronto Transit Authority and the reform of the OMB. The influence of municipalities has been increased with respect to growth management and resource planning.

The impact on the Niagara Escarpment Planning Program is also positive but difficult to measure until the new provisions in the Planning Act are fully implemented. Current NEC hearings, where the Planning Act is involved will remain generally unaffected because of the nature of the January 1, 2007 transition provisions. However, it is expected that in future there will be more regard given to Provincial Plans like the NEP in PA decision making.

Ken Whitbread
Manager

Planning Act Reforms, 2006

Ontario Planning Act: Before and After January 1, 2007

This chart compares some of the key sections of the Planning Act before and after the coming into force of the Planning and Conservation Land Statute Law Amendment Act, 2006. This chart is not an official government document and has been prepared as a training tool only. The Planning Act exempts the City of Toronto from some of the provisions noted in this chart and defers to equivalent provisions in the City of Toronto Act, 2006; these exceptions have not been noted in this chart.

This chart deals in summarized fashion with the complex matters and reflects legislation, policies and practices that are subject to change. The chart is not a substitute for specialized legal or professional advice. Users should always refer back to the Planning Act and other relevant documents when making decisions related to land use planning matters. Planning Act sections are referenced for example and information purposes only.

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Land Use Planning Process Enhancements		
Updating Official Plans	<ul style="list-style-type: none"> Council required to hold a special meeting, open to the public, to determine the need for an Official Plan (OP) update/revision no less frequently than every 5 years (Section 26). 	<ul style="list-style-type: none"> Official Plans (Ops) to be updated no less than every 5 years, after they come into effect (ss. 26(1)) and zoning by-laws to be updated to conform to the new amended OP within 3 years (ss.26(9)). These new revised Ops must: (1) conform to provincial plans; (2) have regard to matters of provincial interest as outlined in the Planning Act; and (3) be consistent with provincial policy statements. These new/revised Ops must also be updated at the 5 year review to confirm or amend policies dealing with areas of employment, including policies dealing with the removal of employment lands (ss.26(1)). Suspension of any exemptions from ministerial approval of OPAs initiated as part of a 5 year review (ss.26(6)). Secondary unit policies are subject to appeal if adopted during OP updates (ss. 17(24.2) & 17(36.2)).
Pre-consultation	<ul style="list-style-type: none"> Council required to ensure that the appropriate approval authority is consulted on OPs (ss. 17 (15)). 	<ul style="list-style-type: none"> Council shall ensure that the appropriate approval authority and prescribed public bodies are consulted in the preparation of Ops and given sufficient opportunity to review prescribed and other supporting information/material (ss. 17(15)). Municipalities must allow applicants to pre-consult if requested to do so and may also require applicants, through by-law, to pre-consult (22(3.1) OPAs, 34(10.0.1) ZBLAs, 41(3.1) site plan, 51(16.1) subdivisions).
Regard for Municipal Decisions	<ul style="list-style-type: none"> OMB or approval authorities not explicitly required in the Planning Act to have regard to municipal decisions. 	<ul style="list-style-type: none"> Approval authorities and OM explicitly required to “have regard to” municipal decisions (s. 2.1).

Planning Act Reforms, 2006
Ontario Planning Act: Before and After January 1, 2007

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Addition of Parties and Information/ Material at an OMB Hearing	<ul style="list-style-type: none"> No Restriction on parties and information/material at OMB hearings for appeals on Ops, OPAs, ZBLs, ZBLAs, and plans of subdivision (s. 17, 22, 34 & 51) 	<ul style="list-style-type: none"> In the case of an appeal, only persons/public bodies that made oral submissions at a public meeting or written submissions to council can be added as a party. The Ontario Municipal Board may allow new parties if there are reasonable grounds (ss. 17(44.1) & (44.2) Ops, 22(11)* OPAs, 34(24.1)* & (24.2) zoning by-laws and amendments, 51(52.1) & (52.2) subdivisions). New information or material shall not be permitted into evidence on an appeal, unless the OMB determines that it could have materially affected Council's decision, in which case Council is given the opportunity to reconsider their decision in light of the new information before it may be admitted (ss. 17(44.4) & (44.5) Ops, 22(11)* OPAs, 34(24.4) & (24.5) zoning by-laws and amendments, 51(52.4) & (52.5) subdivisions). *if the OPA/ZBLA appeal is based on a non-decision by the planning authority, the restriction of parties and/or materials/information before the OMB does not apply (ss. 22(11) OPAs, 34(24.1) ZBLAs).
Open House And Notice	<ul style="list-style-type: none"> Open House was not a requirement Municipal notice relates to: Public meetings, adoption and final decision of Ops and municipally initiated OPAs; Public meeting for/adoption of OPAs initiated by persons and other public bodies; and Public meetings, changes in proposed by-laws, passing of zoning by-laws/amendments (s. 17, 22, & 34). 	<ul style="list-style-type: none"> An open house must be held no later than 7 days before the public meeting (ss. 17(16), (18) & (19.4) 5-year reviews of Ops & OPAs implementing the Development Permit System, 34(12)(b) & (14) ZBLs required under ss. 26(9) or by-laws to implement the Development Permit System). Approval authorities must give notice of refusal to adopt an OPA or ZBLA to specified and prescribed persons/public bodies (ss. 22(6.6) OPAs, 34(10.9) ZBLAs). Notice of complete application given within 15 days to those prescribed (ss. 22(6.4) OPAs, 34(10.7) ZBLAs, 51(19.4) subdivisions). Requires public notice on adoption of all community improvement plans (ss.28(4.1)).
Applicability Of Provincial Policy Statements or Plans	<ul style="list-style-type: none"> Council decisions must be consistent with policy statements issued under section 3(1) of the Planning Act (ss.3(5)). Comments, submissions or advice affecting a planning matter must be consistent with policy statements issued under section 3(1) of the Planning Act (ss. 3(6)). 	<ul style="list-style-type: none"> Subsections 3(5) & (6) of the Planning Act are amended so that decisions, comments, submissions or advice must be consistent with provincial policy statements/conform with provincial plans in effect on the date of decision, comment, submission or advice. Provincial plans are defined in subsection 1(1) of the Planning Act.

Planning Act Reforms, 2006
Ontario Planning Act: Before and After January 1, 2007

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Complete Application	<ul style="list-style-type: none"> • Basic materials/information required for amendments/applications as prescribed by the province (ss. 22(4) OPAs, 34(10.1) ZBLAs, 51(17) subdivisions, 53(2) consents). • Municipalities and planning boards can request additional information and material (ss. 22(5) OPAs, 34(10.2) ZBLAs, 51(18) subdivisions, 53(3) consents). 	<ul style="list-style-type: none"> • Municipalities, through OP policies, can establish additional information/material needed to assess planning applications (22(5) OPAs, 34(10.2) ZBLAs, 51(18) subdivisions, 53(3) consents). • Provincial authority to prescribe in regulation the minimum information to be provided with various planning applications (O. Regs. 543/06 OPAs, 545/06 ZBLs, 544/06 subdivisions, 547/06 consents, and 546/06 Minister's Zoning Order amendment request). • If there is a dispute over whether applications and complete the OMB can by summary motion determine whether information provided by applicants meets requirements and/or the requirements are reasonable (22(6.2) OPAs, 34(10.5) ZBLAs, 51(19.2) subdivisions, 53(4.1) consents). Reasonable test only applies to a municipal request for additional information per requirements in their Ops, if applicable.
Local Appeal Bodies	<ul style="list-style-type: none"> • Appeals on minor variance and consent applications heard by the Ontario Municipal Board (OMB) (ss. 45(12) (53(14), (19) & (27)). 	<ul style="list-style-type: none"> • Municipalities have the option to set up Local Appeal Bodies to hear appeals on consent and/or minor variance applications (ss. 8.1(6)).
Development Control Tools		
Zoning with Conditions	<ul style="list-style-type: none"> • No provisions to permit municipalities to pass zoning by-laws with conditions. 	<ul style="list-style-type: none"> • Provides municipalities with the authority to impose zoning by-laws with conditions if their OP contains policies related to zoning with conditions (ss.34(16)). • Municipalities may require a landowner to enter into an agreement relating to the condition and may register those agreements against title (ss. 34(16.2)).
Minimum Height and Density	<ul style="list-style-type: none"> • No explicit provision to enable municipalities to set minimum density and height requirement through zoning (ss. 34(3)). 	<ul style="list-style-type: none"> • Municipalities may set minimum and maximum density and height standards (ss. 34(3)).

Planning Act Reforms, 2006
Ontario Planning Act: Before and After January 1, 2007

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Development Permit System (DPS)	<ul style="list-style-type: none"> • O. Reg. 246/01 set out parameters enabling five prescribed pilot municipalities (Toronto, Hamilton, Region of Waterloo, Oakville and Lake of Bays) to establish a DPS (s. 70.2). • Combines zoning, site plan and minor variance approvals into a single approval process. 	<ul style="list-style-type: none"> • O. Reg. 246/01 has been revoked and replaced with O.Reg. 608/06, which provides authority for all municipalities in the province to use an enhanced DPS with the authority to address, for instance: <ul style="list-style-type: none"> ○ matters relating to provision of facilities and services in exchange for height and density (ss. 3(5)); ○ minimum and maximum standards for development (clause 4(2)c)); and ○ wider scope of conditions (e.g., related to ongoing monitoring requirements for the protection of public health and safety and the natural environment (paragraph 4(5)4). • Provides that agreements can be entered into for any of the permitted conditions and that these may be registered against the land subject o the Registry Act and Land Titles Act (s. 5(1)).
Sustainable Development and Community Design		
Site Plan Control	<ul style="list-style-type: none"> • Currently excluded from site plan control are: colour, texture and type of materials, window detail, construction details, and architectural detail of buildings (ss. 41(4.1)). 	<ul style="list-style-type: none"> • Permits municipalities to include requirements related to external building design details where it addresses certain specified matters such as sustainable design, character and appearance, if OP policies and a by-law under ss. 41(2) are in effect and that contain provisions relating to such matters (clause 41(4)(d)).
Community Improvement Plans (CIPs)	<ul style="list-style-type: none"> • Notice required for adoption of some CIPs (ss. 28(4.2)). • Municipal grants and loans in CIP areas are restricted to rehabilitation costs for lands and building in conformity with the CIP (ss.28(7)). • The use of CIPs limited to lower-tier and single-tier municipalities (ss.28(2)). 	<ul style="list-style-type: none"> • Expands the definition of community improvement to also include construction and improvements of energy efficiency (ss. 28(1)). • Clarification that eligible costs for municipal grants and loans can cover activities such as environmental site assessment and remediation, construction and reconstruction of lands/buildings for rehabilitation purposes, and the provision of energy efficient uses (ss. 28(7.1)). • Allows municipalities to register grant and loan agreements on title of the subject lands (ss. 28(11)) • Permits prescribed upper-tier municipalities to establish CIPs for prescribed matters (ss. 28(2) & (4.0.1)). • Allows upper-tier municipalities to voluntarily participate in lower tier CIPs, and vice versa, through grants and loans (ss. 28(7.2)). • Requires public notice on adoption of all community improvement plans (ss. 28(4.1)).

Planning Act Reforms, 2006
Ontario Planning Act: Before and After January 1, 2007

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Parkland Dedication	<ul style="list-style-type: none"> • Municipalities may require cash-in-lieu of land to be conveyed for parks or other recreational purposes as a condition of development or redevelopment (ss. 42(1) & (6)). 	<ul style="list-style-type: none"> • Councils are required to decrease the amount of cash-in-lieu required from proponents for redevelopment proposals that meet OP sustainability criteria, provided there are OP policies related to reduction of payments and there is no land available to be conveyed for park/public recreational purposes (ss. 42(6.2) and (6.3)). • Clarifies that a building cannot be constructed on land for redevelopment or development until payment in lieu is made or arrangements for payment satisfactory to Council have been made (ss. 42(6.1)).
Sustainable Design and Accessibility	<ul style="list-style-type: none"> • No reference to sustainable design as a provincial interest. • No reference to enable approval authorities to consider sustainable design related criterion in reviewing draft plans of subdivision. • No authority to require sustainable design elements/requirements as part of sit plan control approvals. • Accessibility for person with disabilities to all facilities, services and matter to which the Act applies stated as a provincial interest (clause 2(h.1)). 	<ul style="list-style-type: none"> • Addition of provincial interest that promotes development that is sustainable, to support public transit and to be pedestrian-oriented as a provincial interest (clause 2(q)). • Enables approval authorities to consider subdivision design that optimized the supply, efficient use and conservation of energy in the review of a draft plan of subdivision (clause 51(24.1)). • Enables municipalities to include sustainable design requirements in site plan approvals for matters of exterior design, where there is a designated site plan control area by-law and where OP policies exist that address this matter (subparagraph 41(4)2.(d)). • Provincial interest of accessibility facilitated: <ul style="list-style-type: none"> ○ By addressing facilities so they are designed to have regard for accessibility for person with disabilities through site plan control (subparagraph 41(4)2.(f)); and ○ By allowing land dedication for pedestrian pathways and public transit rights of way to encourage transit and pedestrian-oriented communities (clause 51(25)(b)).
Other Amendments		
Secondary Units	<ul style="list-style-type: none"> • New official plan and zoning by-law provisions for secondary residential units are not identified. 	<ul style="list-style-type: none"> • Permits municipalities to adopt and approval authorities to approve policies/provisions in OPs and zoning by-laws identifying where one secondary unit is permitted within a residential dwelling without the possibility of OMB appeal (ss. 17(24.1) & (36.1), 22(7.1) & (7.2) and 34(19.1)).

Planning Act Reforms, 2006
Ontario Planning Act: Before and After January 1, 2007

Topic Area	Planning Act before January 1, 2007	Planning Act on and after January 1, 2007
Areas of Employment	<ul style="list-style-type: none"> • No current restrictions on appeals of municipal decisions to refuse conversion of designated employment lands to other uses. 	<ul style="list-style-type: none"> • Restrict appeals on OPAs and ZBLAs that would remove lands from areas of employment, even if other land is proposed to be added, where there are OP policies in place dealing with converting employment lands to other uses (ss.22(7.3), 34(11.0.5)). • OP policies dealing with areas of employment must be confirmed or amended at 5-year comprehensive OP reviews (clause 26(1)(b)). • “Areas” of employment” are defined (ss.1(1)). • Uses referred to in the definition of “area of employment” include: • Manufacturing, warehousing, office, associated retail, and ancillary facilities (ss. 1(5)). • The Minister may make regulations to modify or replace all or part of the “areas of employment” definition (s. 70.5).
Minister’s Zoning Orders (MZOs)	<ul style="list-style-type: none"> • Minister was not able to declare a provincial interest on applications to amend or revoke MZOs • No restriction on the OMB’s power to determine appeals with regard to applications to amend or revoke MZOs (ss. 47(13)). 	<ul style="list-style-type: none"> • If the OMB holds a hearing regarding an application to amend or revoke a MZO and the Minister determines the application is likely to adversely affect a provincial interest, he or she may notify the OMB in writing no later than 30 days before the scheduled hearing (ss. 47(13.1)). • When the OMB receives the above notice from the Minister, the board’s decision is not final until the Lieutenant Governor in Council confirms, varies or rescinds the OMB decision with respect to the amendment or revocation and may direct the Minister to amend or revoke the order in whole or in part (ss.47(13.4) and (13.5)).
Exemption From Planning Act Approval	<ul style="list-style-type: none"> • Exemption for Planning Act approvals for Hydro One and Ontario Power Generation projects where an Environmental Assessment under the Environmental Assessment Act has been approved (ss. 62(1) & (2)). 	<ul style="list-style-type: none"> • Prescribed undertakings related to energy to be exempt from the Planning Act and relevant provisions of the City of Toronto Act, 2006 where the undertaking is approved or is the subject of an order, declaration or an exempting regulation under the Environmental Assessment Act, and if the undertaking/class of undertaking is prescribed by Lieutenant Governor in Council Regulation (s.62.0.1 & clause 70(h)).

Planning Act Reforms, 2006 – Provision Implementation Checklist

This chart highlights and summarizes some of the key mandatory and voluntary procedures that municipalities must/could undertake in order to use some of the tools/provisions introduced through the Planning and Conservation Land Statute Law Amendment Act, 2006. This chart is not an official government document and been prepared as a training tool only. The Planning Act exempts the City of Toronto from some of the provisions noted in this chart and defers to equivalent provisions in the City of Toronto Act, 2006; these exceptions have not been noted in this chart.

This chart deals in summarized fashion with complex matters and reflects legislation, policies and practices that are subject to change. The chart is not a substitute for specialized legal or professional advice. Users should always refer back to the Planning Act and other relevant documents when making decision related to land use planning matters. Planning Act sections re referenced for example and information purposes only.

Planning Act Amendment	Amendment Highlights	The new provision is: To implement this provision, the following should be completed:						
		Required	Voluntary	OP Policies	CIP Policies	By law/ Resolution	Administrative Procedure(s)	Form(s)/ Notice
Complete Application ss. 22(5) OPAs, 34(10.2) ZBLAs, 51(18) subdivisions, 53(3) consents	These subsection and regulations permit the relevant approval authority/municipality (as the Act provides) to require additional information or material (where there are Official Plan policies related to this information/material) as part of an application for an OPA, ZBLA, plan of subdivision, or consent.		√	√			√	√ (e.g. notices and Submission/ checklists)
Pre-consultation ss. 17(15) Ops, 22(3.1) OPAs, 34(10.0.1) ZBLAs, 41(3.1) site plans, 51(16.1) subdivisions	The appropriate approval authority: a) shall permit applicants to consult with the approval authority/municipality before submitting an OPA, ZBLA, site plan or subdivision application; b) may require applicants to consult by by-law; and Council shall: c) ensure the appropriate approval authority and	√ a) and c)	√ b)			√ b)	√ a), b) and c)	√ b) and c)

	prescribed public bodies are consulted in the preparation of Official Plans							
Updating Official Plans ss. 26(1)	This subsection now requires the revision of Official Plans no less than every 5 years after the plan comes into effect to ensure: a) that they have regard to matters of provincial interest; conform to provincial plans; and are consistent with provincial policy statements; and b) that polices/designations dealing with areas of employment are confirmed or amended.	√				√ (ss. 26(7) resolution)	√ (consulting, public meeting, public record, etc.)	√ (public meeting, open house, decision, etc.)
Updating Zoning By laws S 26(9)	This new subsection requires municipalities to update their zoning by-laws within 3 years of the above required Official Plan coming into effect.	√				√		

Planning Act Amendment	Amendment Highlights	The new provision is: To implement this provision, the following should be completed:						
		Required	Voluntary	OP Policies	CIP Policies	By law/ Resolution	Administrative Procedure(s)	Form(s)/ Notice
Applicability of Policies ss. 3(5) and (6)	These subsections are revised to require all authorities when making decisions, comments, submissions and advice that affect a planning matter to be consistent with the provincial policy/conform to the provincial plans in effect at that time.	√						
Open House ss.17(16) (18) and (19.4) Ops, 34(12)(b) (14) and (14.4) ZBLs	These new subsections outline procedures to enhance consultations and obtain views from the public: <ul style="list-style-type: none"> • requirement to hold an open house for OP updates, DPS OPAs and by-laws, and ZBL updates under ss. 26(9); and • timing requirements (e.g., required open house to be held not later than 7 days before public meeting). 	√					√ (e.g., a timing checklist)	√ (open house)
Notice 22(6.4) and (6.6) OPAs, 34(10.7) and (10.9) ZBLAs, 51(19.4) subdivisions	These subsections outline new procedures for sharing information with the public: <ul style="list-style-type: none"> • notice of complete application given within 15 days of it being complete to those prescribed; and • municipalities or planning boards must give notice of refusal to 	√					√ (e.g., a timing checklist)	√ (complete application, decisions)

	adopt an OPA or refusal to amend a ZBLS to specified and prescribed persons/public bodies.							
Zoning with Conditions ss. 34(16), (16.1) and (16.2)	<p>These new subsections help municipalities manage development on a parcel(s) of land by:</p> <ul style="list-style-type: none"> allowing municipalities to impose conditions on zoning through its zoning by-law, as prescribed and subject to limitations, as prescribed, if there are OP policies relating to zoning with conditions; and enabling municipalities to require an agreement relating to the condition which may be registered on title of land. 	√	√				√ (for fulfillment of conditions or including conditions in registered agreements)	√ (e.g., public notice per s. 34, etc.)
Provincial Interest s.2	This section is revised to add a new provincial interest that identified authorities shall have regard to sustainable, transit-supportive and pedestrian-oriented development.	√		√				

Planning Act		The new provision is: To implement this provision, the following should be completed:						
Amendment	Amendment Highlights	Required	Voluntary	OP Policies	CIP Policies	By law/ Resolution	Administrative Procedure(s)	Form(s)/ Notice
Public Record Ontario Regulation 543/06 OPAs, 545/06 ZBLs, 544/06 Subdivisions, 547/06 consents	Public records are enhanced by amending existing regulations to require, among others: <ul style="list-style-type: none"> statement describing whether the decision of council is consistent with the PPS and conforms to (or does not conflict with) applicable provincial plans that are in effect and conforms to the official plan; and a declaration fro a municipal employee that requiremen ts for giving notice of a complete application informatio n and material available for public review have been complied with. 	√					√	√ (e.g., checklists of prescribed information and materials constituting a public record)
Minimum & maximum Heights and Density ss. 34(3)	This subsection is revised to clarify municipal authority to regulate the <u>minimum</u> and maximum height and		√			√		

	density of development in the municipality or in the area(s) defined in a by-law.							
Site Plan Control ss. 41(4)	To promote sustainability and help manage the design of communities, this subsection has been expanded to provide the authority to include the following in the site plan approval process: <ul style="list-style-type: none"> • exterior design, including sustainable exterior design of buildings. • sustainable design elements on boulevards/ municipal right-of-ways; and • design of facilities to have regard for accessibility for persons with disabilities. 	√ (for accessibility, if using site plan control)	√ (for exterior design)	√		√	√ (for conditions of approval, registration of agreements possible exterior/ sustainable design guidelines, etc.)	
Subdivision ss. 51(24) and (25)	These subsections have been revised to promote sustainability through new subdivision approval criteria (e.g., optimize energy efficiency and concurrent review of draft subdivision plans and site plans) and conditions (e.g., promote more transit and pedestrian friendly designs).	√ (regard shall be had for criteria)	√ (may impose conditions)				√ (for clearing conditions of draft approval)	
Minor Variance ss. 45(9.1) and (9.2)	Owners may be required to enter into agreements with municipalities		√				√	

	resulting from the terms and conditions of a variance approval and these agreements can be registered against the land.							
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Planning Act Amendment	Amendment Highlights	The new provision is: To implement this provision, the following should be completed:						
		Required	Voluntary	OP Policies	CIP Policies	By law/ Resolution	Administrative Procedure(s)	Form(s)/ Notice
Development Permit System (DPS) ss. 70.2(5) Ontario Regulation 608/06	Amendments to the Regulation include: <ul style="list-style-type: none"> allowing province-wide application of the DPS; allowing broad scope of conditions subject to specified criteria; clarifying the stages in the approval process when conditions can be imposed; allowing agreements for any of the conditions permitted in the Regulation, including registering these agreements against the land so they can be enforced against the owner and all subsequent owners; and allowing municipalities to request specified facilities, services and matters 		√	√		√	√	√

	for permitted height/density increases, subject to clear official plan policies.							
Parkland Dedication ss. 42(6.2) and (6.3)	This subsection provides for municipal reduction of payments in lieu of conveying land for the purposes of parks or other recreational purposes if the redevelopment meets sustainability criteria as outlined in the Official Plan, the Official Plan contains policies relating to such reductions, and not land is available to be conveyed for public recreational purposes.		√ (but reduction required if proposal meets OP policies)	√			√	√ (e.g., sustainability checklist with valuation formula)
Community Improvement Plans (CIPs) ss. 28(1), (1.1), (4), (4.1), (4.2), (4.4), (7), (7.1), (7.3), and (11)	Various amendments are made to section 28, including: <ul style="list-style-type: none"> expanding the definition of community improvement to include construction and improvement of energy efficiency; clarifying eligible costs for CIP grants and loans; ability to register agreements concerning 		√	√	√	√	√ (e.g., registration of clerk's certificate, registering grants and loans)	√ (e.g., clerk's certificate and public notice)

	<p>g grants and loans on title of the land;</p> <ul style="list-style-type: none"> • requiring public notice on adoption of all CIPs; and • clarifying the definition of community improvement includes the provision of affordable housing. 							
<p>CIPs & Upper Tiers ss. 28(2), (4.0.1), and (7.2), Ontario Regulation 550/06</p>	<p>These amendments permit prescribed upper tier municipalities to designate community improvement project areas, for prescribed matters, as well as permit upper-tier and lower-tier municipalities to participate in each others grant or loan program.</p>		√	√	√	√	√	√

Planning Act		The new provision is: To implement this provision, the following should be completed:						
Amendment	Amendment Highlights	Required	Voluntary	OP Policies	CIP Policies	By law/ Resolution	Administrative Procedure(s)	Form(s) / Notice
Areas of Employment ss. 1(1), 1(5), 22(7.3), 26(1)(b), 34(11.0.5), 70.5 (1)(b)	Subsections to define the meaning of and uses in an “area of employment” have been added. To protect lands for long-term employment purposes, new provisions restrict appeals of refusals or non-decisions on OPAs and ZBLAs that would remove lands from employment areas, even if other land is proposed to be added. Appeals are restricted only if the official plan contains policies dealing with “conversions” in areas of employment. Appeals allowed at time of 5-year reviews.	√ (to amend or confirm designations / policies at every 5-year OP review)	√ (to have conversion policies in OP)	√ (to have conversion policies in OP)			√ (possibly for ongoing monitoring of employment land needs)	√ (public meeting, etc.)
Secondary Units ss. 1(1), 17(24.1) and (36.1), 22(7.1) and (7.2), 34(19.1)	To promote a range and mix of housing, these amendments provide a definition for residential units and provide		√	√ (required to limit appeal rights)		√ (zoning by-law provision, if applicable)	√ (possibly to monitor affordable housing needs)	

	<p>municipalities with the ability to adopt (and approval authorities to approve) second unit residential policies in their OP without appeal. Policies permitting secondary units can only be appealed at the time of an official plan update. Once policies are adopted, decisions/non-decisions on OPAs to amend or revoke those policies cannot be appealed. The passing of a zoning by-law to permit a second residential unit cannot be appealed.</p>						
<p>Energy Undertakings ss. 62.0.1(1)(a) and (b), 70(h)</p>	<p>These new subsections enable prescribed undertakings related to energy to be exempt from the Planning Act and relevant provisions of the city of Toronto Act, 2006 where the undertaking is approved or is the subject of an order, declaration or an exempting regulation under the Environmental Assessment Act, and if the undertaking/class of undertaking is prescribed by Lieutenant Governor in Council Regulation.</p>						