

Planning Act

ONTARIO REGULATION 174/16 TRANSITIONAL MATTERS — GENERAL

Consolidation Period: From August 29, 2019 to the [e-Laws currency date](#).

Last amendment: 296/19.

Legislative History: 67/18, 296/19.

GENERAL RULE

General rule re transition

1. (1) Subject to subsection (2), all matters and proceedings shall be continued and disposed of in accordance with the Act as it reads on and after ~~April 3, 2018~~ [September 3, 2019](#). O. Reg. 67/18, s. 2.

(2) Subsection (1) does not apply in respect of matters and proceedings provided for in sections 2 to ~~2633~~ of this Regulation or matters and proceedings that are otherwise provided for in section 74, 74.1 or 75 of the Act or the regulations made under section 70.4 or 70.5 of the Act. O. Reg. 67/18, s. 2.

(3) In the event of a conflict between any provision of this Regulation and any provision of a regulation made under section 70.4 or 70.5 of the Act or of section 74, 74.1 or 75 of the Act, the provision of the regulation made under section 70.4 or 70.5 or of section 74, 74.1 or 75 prevails to the extent of the conflict. O. Reg. 67/18, s. 2.

TRANSITIONAL MATTERS RELATING TO THE SMART GROWTH FOR OUR COMMUNITIES ACT, 2015

s. 2.1 of the Act

2. (1) For purposes of subsection 17 (34) of the Act, a decision of an approval authority in respect of an official plan, an amendment to it or a repeal of it shall be made in accordance with section 2.1 of the Act, as it read on June 30, 2016, if the record under subsection 17 (31) of the Act was forwarded to the approval authority before July 1, 2016.

(2) A matter or proceeding in respect of which the record was forwarded to the Municipal Board before July 1, 2016 shall be continued and disposed of in accordance with section 2.1 of the Act as it read on June 30, 2016.

(3) For the purposes of subsection (2), in a case where more than one record was forwarded in respect of the matter or proceeding, the applicable date is the date on which the first record was forwarded.

Request for amendment to new official plan, two-year period

3. A request for an amendment to an official plan received before July 1, 2018 shall be continued and disposed of as if subsections 22 (2.1) and (2.2) of the Act were not in force, unless the first day that any part of the official plan came into effect was on or after July 1, 2016.

Application for amendment to new, comprehensive zoning by-law, two-year period

4. An application for an amendment to a zoning by-law received before July 1, 2018 shall be continued and disposed of as if subsections 34 (10.0.0.1) and (10.0.0.2) of the Act were not in force, unless the zoning by-law was passed on or after July 1, 2016.

Application for minor variance, two-year period

5. An application for a minor variance under section 45 of the Act received before July 1, 2018 shall be continued and disposed of as if subsections 45 (1.2) to (1.4) of the Act were not in force, unless the application is for a minor variance from the provisions of a zoning by-law that was passed on or after July 1, 2016 in response to,

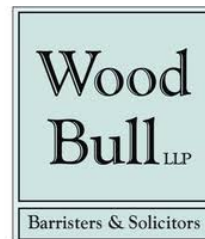
- (a) an application by the owner of the land, building or structure affected by the by-law; or
- (b) an application by a person authorized in writing by the owner.

Notice requirements

6. If an event described in Column 1 of the Table to this section occurs before July 1, 2016,

- (a) the provisions of the Act set out opposite the event in Column 2 of the Table apply in respect of the event as those provisions read on June 30, 2016; and

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- (b) the provisions of the Act set out opposite the event in Column 3 of the Table shall be read in respect of the event as if they were not in force.

TABLE

Item	Column 1 Event occurring before July 1, 2016	Column 2 Provisions of the Act that apply as they read on June 30, 2016	Column 3 Provisions of the Act that are read as if not in force
1.	Adoption under subsection 17 (22) of the Act of an official plan, an amendment to it or a repeal of it.	Subsection 17 (23)	Subsections 17 (23.1) and (23.2)
2.	Decision under subsection 17 (34) of the Act in respect of an official plan, an amendment to it or a repeal of it.	Subsection 17 (35)	Subsections 17 (35.1) to (35.3)
3.	Refusal under section 22 of the Act of a request for an amendment to an official plan.	Subsection 22 (6.6)	Subsections 22 (6.7) and (6.8)
4.	Refusal under section 34 of the Act of an application for an amendment to a zoning by-law.	Subsection 34 (10.9)	Subsections 34 (10.10) and (10.11)
5.	Passing under section 34 of the Act of a zoning by-law or an amendment to it.	Subsection 34 (18)	Subsections 34 (18.1) and (18.2)
6.	Decision under section 45 of the Act in respect of an application for a minor variance.	Subsection 45 (8)	Subsections 45 (8.1) and (8.2)
7.	Decision under subsection 51 (31) of the Act in respect of an application for the approval of a plan of subdivision.	Subsection 51 (37)	Subsections 51 (38) to (38.2)
8.	Decision under section 53 of the Act in respect of an application for a consent.	Subsection 53 (17)	Subsections 53 (18) to (18.2)

Appeal re official plan, notice given under s. 17 (23) of the Act

7. (1) This section applies in respect of an appeal under subsection 17 (24) of the Act if the giving of notice under subsection 17 (23) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (24.2), (25) and (45) of the Act, as they read on June 30, 2016, and as if subsections 17 (24.3) to (24.5), (25.1) and (26.1) to (26.4) of the Act were not in force.

Appeal re official plan, notice given under s. 17 (35) of the Act

8. (1) This section applies in respect of an appeal under subsection 17 (36) of the Act if the giving of notice under subsection 17 (35) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (36.2), (37) and (45) of the Act, as they read on June 30, 2016, and as if subsections 17 (36.3), (36.4) and (37.1) to (37.5) of the Act were not in force.

Appeal re official plan amendment where request refused

9. (1) This section applies in respect of an appeal under subsection 22 (7) of the Act with respect to the refusal of a request if the giving of notice under subsection 22 (6.6) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 22 (8.1) to (8.4) of the Act were not in force.

Appeal re amendment to zoning by-law where request refused

10. (1) This section applies in respect of an appeal under subsection 34 (11) of the Act with respect to the refusal of an application if the giving of notice under subsection 34 (10.9) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 34 (11.0.0.1) to (11.0.0.4) of the Act were not in force.

Appeal re passing of zoning by-law, etc.

11. (1) This section applies in respect of an appeal under subsection 34 (19) of the Act if the giving of notice under subsection 34 (18) of the Act is completed before July 1, 2016.

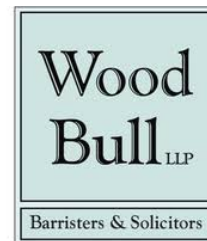
(2) The appeal shall be continued and disposed of in accordance with subsection 34 (25) of the Act, as it read on June 30, 2016, and as if subsections 34 (19.0.1) and (20.1) to (20.4) of the Act were not in force.

Appeal, decision re plan of subdivision

12. (1) This section applies in respect of,

- (a) an appeal under subsection 51 (39) of the Act, if the giving of notice under subsection 51 (37) of the Act is completed before July 1, 2016; and

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- (b) an appeal under subsection 51 (48) of the Act, if the giving of notice under subsection 51 (45) of the Act is completed before July 1, 2016.
- (2) The appeal shall be continued and disposed of as if subsections 51 (49.1) to (49.4) of the Act were not in force.

Appeal, consent

- 13.** (1) This section applies in respect of,
- (a) an appeal under subsection 53 (19) of the Act, if the giving of notice under subsection 53 (17) of the Act is completed before July 1, 2016; and
 - (b) an appeal under subsection 53 (27) of the Act, if the giving of notice under subsection 53 (24) of the Act is completed before July 1, 2016.
- (2) The appeal shall be continued and disposed of as if subsections 53 (27.1) to (27.4) of the Act were not in force.

**TRANSITIONAL MATTERS RELATING TO THE BUILDING BETTER COMMUNITIES AND CONSERVING WATERSHEDS ACT,
2017**

Request for amendment to new secondary plan, two-year period

14. A request for an amendment to an official plan received before April 3, 2020 shall be continued and disposed of as if subsection 22 (2.1.1) of the Act was not in force, unless the request is for an amendment to a secondary plan any part of which came into effect on or after April 3, 2018. O. Reg. 67/18, s. 4.

Official plan, amendment or repeal, notice given under s. 17 (35) of the Act

15. (1) An official plan, an amendment to it or a repeal of it shall be continued and disposed of in accordance with subsection 17 (36.2) of the Act as it read on April 2, 2018, if the giving of notice under subsection 17 (35) of the Act is completed on or after July 1, 2016 and before April 3, 2018. O. Reg. 67/18, s. 4.

(2) An official plan, an amendment to it or a repeal of it shall be continued and disposed of as if subsection 17 (36.5) of the Act was not in force, if the giving of notice under subsection 17 (35) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

Appeal re interim control by-law

16. An interim control by-law, including any amendment to extend the period of time during which it will be in effect, shall be continued and disposed of in accordance with subsection 38 (4) of the Act as it read on April 2, 2018 and as if subsection 38 (4.1) of the Act was not in force if it is passed before April 3, 2018. O. Reg. 67/18, s. 4.

Referral of request to amend order under s. 47 of the Act

17. A request under subsection 47 (10) of the Act, as it read on April 2, 2018, for the Tribunal to hold a hearing on a request to amend or revoke an order under section 47 of the Act shall be continued and disposed of in accordance with section 47 of the Act as it read on that date if the request for the Tribunal to hold the hearing is made before April 3, 2018. O. Reg. 67/18, s. 4.

Timelines for appealing failure to make decisions

18. (1) An official plan, an amendment to it or a repeal of it shall be continued and disposed of in accordance with subsections 17 (34.1), (40), (40.1), (40.2) and (40.4) of the Act as they read on April 2, 2018 if the by-law adopting the plan, amendment or repeal was passed on or before December 12, 2017. O. Reg. 67/18, s. 4.

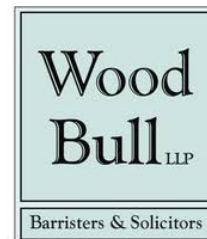
(2) For greater certainty, an official plan, an amendment to it or a repeal of it shall be continued and disposed of in accordance with subsections 17 (34.1), (40), (40.1), (40.2) and (40.4) of the Act as they read on and after April 3, 2018 if the by-law adopting the plan, amendment or repeal was passed after December 12, 2017 but before April 3, 2018. O. Reg. 67/18, s. 4.

(3) A request for an official plan amendment shall be continued and disposed of in accordance with subsection 22 (7.0.2) of the Act as it read on April 2, 2018 if the request was received on or before December 12, 2017. O. Reg. 67/18, s. 4.

(4) For greater certainty, a request for an official plan amendment shall be continued and disposed of in accordance with subsection 22 (7.0.2) of the Act as it reads on and after April 3, 2018 if the request was received after December 12, 2017 but before April 3, 2018. O. Reg. 67/18, s. 4.

(5) An application for an amendment to a zoning by-law shall be continued and disposed of in accordance with subsections 34 (11) and 36 (3) of the Act as they read on April 2, 2018 and as if subsection 34 (11.0.0.1) of the Act was not in force if the application was received on or before December 12, 2017. O. Reg. 67/18, s. 4.

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(6) For greater certainty, an application for an amendment to a zoning by-law shall be continued and disposed of in accordance with subsections 34 (11) and 36 (3) of the Act as they read on and after April 3, 2018 and as if subsection 34 (11.0.0.1) of the Act was in force if the application was received after December 12, 2017 but before April 3, 2018. O. Reg. 67/18, s. 4.

Appeal re official plan, notice given under s. 17 (23) of the Act

19. (1) In addition to section 7, this section applies in respect of an appeal under subsection 17 (24) of the Act if the giving of notice under subsection 17 (23) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (44.3) to (44.7), (46), (49), (50), (51) and (53) of the Act, as they read on April 2, 2018, and as if subsections 17 (24.0.1) and (49.1) to (49.12) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the giving of notice under subsection 17 (23) of the Act is completed on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with subsections 17 (25), (25.1) and (45) of the Act as they read on April 2, 2018. O. Reg. 67/18, s. 4.

(4) If the record referred to in subsection 17 (29) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

~~(5) Despite subsections (2), (3) and (4), the appeal shall be continued and disposed of in accordance with section 2.1 and subsections 17 (25), (25.1), (44.3) to (45), (46), (49), (50), (51) and (53) of the Act as they read on and after April 3, 2018, and as if subsections 17 (24.0.1) and (49.1) to (49.12) of the Act were in force if, [This section does not apply to an appeal if,](#)~~

- (a) the appeal is in respect of an official plan amendment adopted in response to a request under section 22 of the Act received after December 12, 2017;
- (b) the appeal is in respect of an official plan amendment adopted after December 12, 2017 that is not in response to a request under section 22 of the Act; or
- (c) the appeal is in respect of an official plan, or a repeal of an official plan, adopted after December 12, 2017. O. Reg. 67/18, s. 4.

~~(6) The following rules apply if subsection (5) applies:~~

~~—1.— The Tribunal shall notify every appellant before the later of 15 days following the receipt of the record referred to in subsection 17 (29) of the Act and April 18, 2018 that each appellant must, within 20 days after the Tribunal gives the notice, provide a new notice of appeal to the Tribunal in accordance with subsection 17 (25) of the Act as it reads on and after April 3, 2018.~~

~~—2.— If the Tribunal does not receive a new notice of appeal from an appellant within the 20 day period referred to in paragraph 1, the appeal is deemed to have been dismissed.~~

~~—3.— Subparagraph 1 i and paragraph 2 of subsection 17 (45) of the Act do not apply to the appeal until the day the new notice of appeal is provided in accordance with paragraph 1.~~

~~—4.— If a regulation is made under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* that prescribes a timeline that is applicable to the appeal, the timeline shall not begin until the 20 day period referred to in paragraph 1 has ended. O. Reg. 67/18, s. 4.~~

~~(7) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with paragraph 1 of subsection (6). O. Reg. 67/18, s. 4.~~

~~(8) Subsection (5) does not apply if, on April 3, 2018, the Tribunal has completed its hearing of the appeal, even if it has reserved its final decision. O. Reg. 67/18, s. 4.~~

Appeal re official plan, notice given under s. 17 (35) of the Act

20. (1) In addition to section 8, this section applies in respect of an appeal under subsection 17 (36) of the Act if the giving of notice under subsection 17 (35) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (44.3) to (44.7), (46), (49), (50), (51) and (53) of the Act, as they read on April 2, 2018, and as if subsections 17 (36.0.1) and (49.1) to (49.12) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the giving of notice under subsection 17 (35) of the Act is completed on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with subsections 17 (37), (37.1) and (45) of the Act, as they read on April 2, 2018. O. Reg. 67/18, s. 4.

(4) If the record referred to in subsection 17 (42) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

~~(5) Despite subsections (2), (3) and (4), the appeal shall be continued and disposed of in accordance with section 2.1 and subsections 17 (37), (37.1), (44.3) to (45), (46), (49), (50), (51) and (53) of the Act as they read on and after April 3, 2018 and as if subsections 17 (36.0.1) and (49.1) to (49.12) of the Act were in force if, [This section does not apply to an appeal if,](#)~~

- (a) the appeal is in respect of a decision under subsection 17 (34) of the Act in respect of an official plan amendment adopted in response to a request under section 22 of the Act received after December 12, 2017;
- (b) the appeal is in respect of a decision under subsection 17 (34) of the Act in respect of an official plan amendment adopted after December 12, 2017 that is not in response to a request under section 22 of the Act; or
- (c) the appeal is in respect of a decision under subsection 17 (34) of the Act in respect of an official plan, or a repeal of an official plan, adopted after December 12, 2017. O. Reg. 67/18, s. 4.

~~(6) The following rules apply if subsection (5) applies:~~

~~—1.— The Tribunal shall notify every appellant before the later of 15 days following the receipt of the record referred to in subsection 17 (42) of the Act and April 18, 2018 that each appellant must, within 20 days after the Tribunal gives the notice, provide a new notice of appeal to the Tribunal in accordance with subsection 17 (37) of the Act as it reads on and after April 3, 2018.~~

~~—2.— If the Tribunal does not receive a new notice of appeal from an appellant within the 20 day period referred to in paragraph 1, the appeal is deemed to have been dismissed.~~

~~—3.— Subparagraph 1 i and paragraph 2 of subsection 17 (45) of the Act do not apply to the appeal until the day the new notice of appeal is provided in accordance with paragraph 1.~~

~~—4.— If a regulation is made under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* that prescribes a timeline that is applicable to the appeal, the timeline shall not begin until the 20 day period referred to in paragraph 1 has ended. O. Reg. 67/18, s. 4.~~

~~—(7) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with paragraph 1 of subsection (6). O. Reg. 67/18, s. 4.~~

~~(8) Subsection (5) does not apply if, on April 3, 2018, the Tribunal has completed its hearing of the appeal, even if it has reserved its final decision. O. Reg. 67/18, s. 4.~~

Appeal re official plan amendment where request refused

21. (1) This section applies in respect of an appeal under subsection 22 (7) of the Act brought in accordance with paragraph 3 or 4 of subsection 22 (7.0.2) of the Act if the giving of notice under subsection 22 (6.6) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 22 (8), (11), (11.1) and (11.3) of the Act, as they read on April 2, 2018, and as if subsections 22 (7.0.0.1), (7.0.0.2) and (11.0.1) to (11.0.19) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the record referred to in subsection 22 (9) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

~~(4) Despite subsections (2) and (3), the appeal shall be continued and disposed of in accordance with section 2.1 and subsections 22 (8), (11), (11.1) and (11.3) of the Act as they read on and after April 3, 2018 and as if subsections 22 (7.0.0.1), (7.0.0.2) and (11.0.1) to (11.0.19) of the Act were in force if the appeal is in respect of the refusal to adopt an amendment that was the subject of a request under section 22 of the Act received after December 12, 2017. O. Reg. 67/18, s. 4. [This section does not apply to an appeal in respect of the refusal to adopt an amendment that was the subject of a request under section 22 of the Act received after December 12, 2017.](#)~~

~~—(5) The following rules apply if subsection (4) applies:~~

~~—1.— The Tribunal shall notify every appellant before the later of 15 days following the receipt of the record referred to in subsection 22 (9) of the Act and April 18, 2018 that each appellant must, within 20 days after the Tribunal gives the~~

~~notice, provide a new notice of appeal to the Tribunal in accordance with subsection 22 (8) of the Act as it reads on and after April 3, 2018.~~

- ~~—2. If the Tribunal does not receive a new notice of appeal from an appellant within the 20 day period referred to in paragraph 1, the appeal is deemed to have been dismissed.~~
- ~~—3. Paragraphs 1 and 3 of subsection 22 (11.0.4) of the Act do not apply to the appeal until the day the new notice of appeal is provided in accordance with paragraph 1.~~
- ~~—4. If a regulation is made under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* that prescribes a timeline that is applicable to the appeal, the timeline shall not begin until the 20 day period referred to in paragraph 1 has ended. O. Reg. 67/18, s. 4.~~
- ~~—(6) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with paragraph 1 of subsection (5). O. Reg. 67/18, s. 4.~~
- ~~(7) Subsection (4) does not apply if, on April 3, 2018, the Tribunal has completed its hearing of the appeal, even if it has reserved its final decision. O. Reg. 67/18, s. 4.~~

Appeal re official plan amendment where failure to make decision on request

22. (1) This section applies in respect of an appeal under subsection 22 (7) of the Act brought in accordance with paragraph 1 or 2 of subsection 22 (7.0.2) of the Act if the notice of appeal is filed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 22 (8), (11), (11.1) and (11.3) of the Act, as they read on April 2, 2018, and as if subsections 22 (7.0.0.1), (7.0.0.2) and (11.0.1) to (11.0.19) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the record referred to in subsection 22 (9) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

Appeal re amendment to zoning by-law where application refused

23. (1) This section applies in respect of an appeal under subsection 34 (11) of the Act with respect to the refusal of an application if the giving of notice under subsection 34 (10.9) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 34 (11.0.2), (12), (24.3) to (25.1.1), (26), (27), (29) and (30) of the Act, as they read on April 2, 2018, and as if subsections 34 (11.0.0.2), (11.0.0.4), (11.0.0.5) and (26.1) to (26.13) of the Act were not in force. O. Reg. 67/18, s. 4.

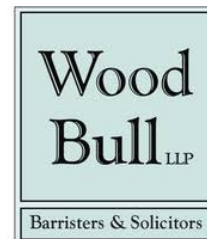
(3) If the record referred to in subsection 34 (23) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

~~(4) Despite subsections (2) and (3), the appeal shall be continued and disposed of in accordance with section 2.1 and subsections 34 (11.0.2), (12), (24.3) to (25.1.1), (26), (27), (29) and (30) the Act as they read on and after April 3, 2018 and as if subsections 34 (11.0.0.2), (11.0.0.4), (11.0.0.5) and (26.1) to (26.13) of the Act were in force if the appeal is in respect of the refusal of an application received after December 12, 2017. O. Reg. 67/18, s. 4. [This section does not apply to an appeal in respect of the refusal of an application received after December 12, 2017.](#)~~

~~(5) The following rules apply if subsection (4) applies:~~

- ~~—1.— The Tribunal shall notify every appellant before the later of 15 days following the receipt of the record referred to in subsection 34 (23) of the Act and April 18, 2018 that each appellant must, within 20 days after the Tribunal gives notice, provide a new notice of appeal to the Tribunal in accordance with subsection 34 (11.0.0.4) of the Act as it reads on and after April 3, 2018.~~
- ~~—2.— If the Tribunal does not receive a new notice of appeal from an appellant within the 20 day period referred to in paragraph 1, the appeal is deemed to have been dismissed.~~
- ~~—3.— Paragraphs 1 and 4 of subsection 34 (25) of the Act do not apply to the appeal until the day the new notice of appeal is provided in accordance with paragraph 1.~~
- ~~—4.— If a regulation is made under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* that prescribes a timeline that is applicable to the appeal, the timeline shall not begin until the 20 day period referred to in paragraph 1 has ended. O. Reg. 67/18, s. 4.~~

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~~—(6) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with paragraph 1 of subsection (5). O. Reg. 67/18, s. 4.~~

~~—(7) Subsection (4) does not apply if, on April 3, 2018, the Tribunal has completed its hearing of the appeal, even if it has reserved its final decision. O. Reg. 67/18, s. 4.~~

Appeal re amendment to zoning by-law where failure to make decision on application

24. (1) This section applies in respect of an appeal under subsection 34 (11) of the Act with respect to the failure to make a decision on an application if the notice of appeal is filed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 34 (11.0.2), (12), (24.3) to (25.1.1), (26), (27), (29) and (30) of the Act, as they read on April 2, 2018, and as if subsections 34 (11.0.0.2), (11.0.0.4), (11.0.0.5) and (26.1) to (26.13) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the record referred to in subsection 34 (23) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

Appeal re passing of zoning by-law, etc.

25. (1) In addition to section 11, this section applies in respect of an appeal under subsection 34 (19) of the Act if the giving of notice under subsection 34 (18) of the Act is completed before April 3, 2018. O. Reg. 67/18, s. 4.

(2) The appeal shall be continued and disposed of in accordance with subsections 34 (24.3) to (24.7), (25.1), (25.1.1), (26), (27), (29) and (30) of the Act, as they read on April 2, 2018, and as if subsections 34 (19.0.2) and (26.1) to (26.13) of the Act were not in force. O. Reg. 67/18, s. 4.

(3) If the giving of notice under subsection 34 (18) of the Act is completed on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with subsections 34 (19.0.1) and (25) of the Act, as they read on April 2, 2018. O. Reg. 67/18, s. 4.

(4) If the record referred to in subsection 34 (23) of the Act was forwarded to the Tribunal on or after July 1, 2016, the appeal shall be continued and disposed of in accordance with section 2.1 of the Act, as it read on April 2, 2018. O. Reg. 67/18, s. 4.

~~(5) Despite subsections (2), (3) and (4), the appeal shall be continued and disposed of in accordance with section 2.1 and subsections 34 (19.0.1), (24.3) to (25.1.1), (26), (27), (29) and (30) of the Act as they read on and after April 3, 2018 and as if subsections 34 (19.0.2) and (26.1) to (26.13) of the Act were in force if, [This section does not apply to an appeal if](#),~~

(a) the appeal is in respect of a zoning by-law passed in response to an application received after December 12, 2017; or

(b) the appeal is in respect of a zoning by-law passed after December 12, 2017 that is not in response to an application. O. Reg. 67/18, s. 4.

~~(6) The following rules apply if subsection (5) applies:~~

~~—1.— The Tribunal shall notify every appellant before the later of 15 days following the receipt of the record referred to in subsection 34 (23) of the Act and April 18, 2018 that each appellant must, within 20 days after the Tribunal gives the notice, provide a new notice of appeal to the Tribunal in accordance with subsection 34 (19.0.2) of the Act as it reads on and after April 3, 2018.~~

~~—2.— If the Tribunal does not receive a new notice of appeal from an appellant within the 20 day period referred to in paragraph 1, the appeal is deemed to have been dismissed.~~

~~—3.— Paragraphs 2 and 4 of subsection 34 (25) of the Act do not apply to the appeal until the day the new notice of appeal is provided in accordance with paragraph 1.~~

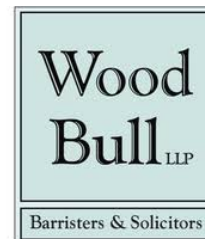
~~—4.— If a regulation is made under clause 43 (1) (c) of the *Local Planning Appeal Tribunal Act, 2017* that prescribes a timeline that is applicable to the appeal, the timeline shall not begin until the 20 day period referred to in paragraph 1 has ended. O. Reg. 67/18, s. 4.~~

~~—(7) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with paragraph 1 of subsection (6). O. Reg. 67/18, s. 4.~~

~~—(8) Subsection (5) does not apply if, on April 3, 2018, the Tribunal has completed its hearing of the appeal, even if it has reserved its final decision. O. Reg. 67/18, s. 4.~~

Appeal under s. 17 (40) of the Act

This unofficial blackline version of the *Planning Act* transitional regulations has been prepared by Wood Bull LLP for convenience purposes only. For the most accurate reference, users should consult the official version of the regulation, available [here](#).



26. (1) This section applies in respect of an appeal under subsection 17 (40) of the Act if,
- (a) the notice of appeal was filed before April 3, 2018; or
 - (b) the appeal is in relation to an official plan, an amendment to it or a repeal of it which was the subject of another appeal under subsection 17 (40) of the Act the notice in respect of which was filed before April 3, 2018. O. Reg. 67/18, s. 4.
- (2) The appeal shall be continued and disposed of in accordance with subsections 17 (51) and (53) of the Act as they read on April 2, 2018. O. Reg. 67/18, s. 4.

TRANSITIONAL MATTERS RELATING TO THE MORE HOMES, MORE CHOICE ACT, 2019

Official plan, amendment, repeal or request — hearing scheduled

27. (1) This section applies in respect of an official plan, an amendment to it, a repeal of it or a request for an amendment to it if,

- (a) the official plan, amendment, repeal or request is the subject of an appeal under subsection 17 (24) or (36) or 22 (7) of the Act, notice of which was filed before September 3, 2019;
- (b) before September 3, 2019, the Tribunal has ordered a hearing mentioned in subsection (4) to be scheduled in respect of the appeal referred to in clause (a) of this subsection; and
- (c) the relevant condition set out in subsection (2) is met. O. Reg. 296/19, s. 7.

(2) The conditions referred to in clause (1) (c) are the following:

1. In the case of an appeal under subsection 17 (24) or (36) of the Act, the giving of notice under subsection 17 (23) or (35) of the Act, as the case may be, is completed,

i. before April 3, 2018 and,

A. the appeal is in respect of an official plan amendment adopted in response to a request under section 22 of the Act received after December 12, 2017,

B. the appeal is in respect of an official plan amendment adopted after December 12, 2017 that is not in response to a request under section 22 of the Act, or

C. the appeal is in respect of an official plan, or the repeal of an official plan, adopted after December 12, 2017, or

ii. on or after April 3, 2018 and before September 3, 2019.

2. In the case of an appeal under subsection 22 (7) of the Act brought in accordance with paragraph 1 or 2 of subsection 22 (7.0.2) of the Act, the notice of appeal is filed on or after April 3, 2018 and before September 3, 2019.

3. In the case of an appeal under subsection 22 (7) of the Act brought in accordance with paragraph 3 or 4 of subsection 22 (7.0.2) of the Act, the giving of notice under subsection 22 (6.6) of the Act is completed,

i. before April 3, 2018 and the appeal is in respect of the refusal to adopt an amendment that was the subject of a request under section 22 of the Act received after December 12, 2017, or

ii. on or after April 3, 2018 and before September 3, 2019. O. Reg. 296/19, s. 7.

(3) The official plan, amendment, repeal or request shall be continued and disposed of in accordance with section 2.1 and subsections 17 (24.0.1), (25), (36.0.1), (37), (44.7), (45), (46), (49) to (51) and (53) and 22 (7.0.0.1), (7.0.0.2), (7.0.2.1), (8), (11) to (11.1) and (11.3) of the Act, as they read on September 2, 2019, and as if subsections 17 (25.1), (37.1) and (44.3) to (44.6) of the Act were not in force. O. Reg. 296/19, s. 7.

(4) A hearing referred to in clause (1) (b) is a hearing at which evidence regarding the merits of the matters before the Tribunal is to be considered, and does not include a case management conference, pre-hearing conference, preliminary hearing, settlement conference, motion or other hearing event held to consider preliminary matters. O. Reg. 296/19, s. 7.

(5) For greater certainty, this section applies even if the hearing referred to in in clause (1) (b) is adjourned or rescheduled. O. Reg. 296/19, s. 7.

Appeal re official plan, amendment, repeal or request — no hearing scheduled

28. (1) This section applies to an appeal under subsection 17 (24) or (36) of the Act of an official plan, an amendment to it, a repeal of it or a request for an amendment to it if,

- (a) the notice of appeal was filed before September 3, 2019;
 - (b) before September 3, 2019, the Tribunal has not ordered a hearing mentioned in subsection 27 (4) of this Regulation to be scheduled in respect of the appeal; and
 - (c) the giving of notice under subsection 17 (23) or (35) of the Act, as the case may be, is completed,
 - (i) before April 3, 2018 and,
 - (A) the appeal is in respect of an official plan amendment adopted in response to a request under section 22 of the Act received after December 12, 2017,
 - (B) the appeal is in respect of an official plan amendment adopted after December 12, 2017 that is not in response to a request under section 22 of the Act, or
 - (C) the appeal is in respect of an official plan, or the repeal of an official plan, adopted after December 12, 2017, or
 - (ii) on or after April 3, 2018 and before September 3, 2019. O. Reg. 296/19, s. 7.
- (2) The Tribunal shall notify every appellant in an appeal to which this section applies before the later of 15 days following the receipt of the record referred to in subsection 17 (29) or (42) of the Act and September 3, 2019 that the appellant may, within 20 days after the Tribunal gives the notice, provide a new notice of appeal to the Tribunal in accordance with subsection 17 (25) or (37) of the Act, as the case may be, as it reads on and after September 3, 2019. O. Reg. 296/19, s. 7.
- (3) For greater certainty, if the Tribunal does not receive a new notice of appeal from an appellant within the 20-day period referred to in subsection (2), the appeal shall proceed based on the notice of appeal that was filed by the appellant in accordance with subsection 17 (25) or (37) of the Act, as the case may be, as it read before September 3, 2019. O. Reg. 296/19, s. 7.
- (4) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with subsection (2). O. Reg. 296/19, s. 7.
- Appeal re zoning by-law or application — hearing scheduled**
- 29. (1) This section applies in respect of a zoning by-law or an application for an amendment to it if,**
- (a) the by-law or application is the subject of an appeal under subsection 34 (11) or (19) of the Act, notice of which was filed before September 3, 2019;
 - (b) before September 3, 2019, the Tribunal has ordered a hearing mentioned in subsection (4) to be scheduled in respect of the appeal referred to in clause (a) of this subsection; and
 - (c) the relevant condition set out in subsection (2) is met. O. Reg. 296/19, s. 7.
- (2) The conditions referred to in clause (1) (c) are the following:**
- 1. In the case of an appeal under subsection 34 (11) of the Act with respect to the refusal of an application, the giving of notice under subsection 34 (10.9) of the Act is completed,**
 - i. before April 3, 2018 and the appeal is in respect of the refusal of an application received after December 12, 2017, or
 - ii. on or after April 3, 2018 and before September 3, 2019.
 - 2. In the case of an appeal under subsection 34 (11) of the Act with respect to the failure to make a decision on an application, the notice of appeal is filed on or after April 3, 2018 and before September 3, 2019.**
 - 3. In the case of an appeal under subsection 34 (19) of the Act, the giving of notice under subsection 34 (18) of the Act is completed,**
 - i. before April 3, 2018 and,
 - A. the appeal is in respect of a zoning by-law passed in response to an application received after December 12, 2017, or
 - B. the appeal is in respect of a zoning by-law passed after December 12, 2017 that is not in response to an application, or
 - ii. on or after April 3, 2018 and before September 3, 2019. O. Reg. 296/19, s. 7.

(3) The zoning by-law or application for an amendment shall be continued and disposed of in accordance with section 2.1 and subsections 34 (11.0.0.0.2) to (11.0.0.0.5), (19) to (19.0.2), (24.7) to (25.1), (26) to (27), (29) and (30) of the Act, as they read on September 2, 2019, and as if subsections 34 (24.3) to (24.6) of the Act were not in force. O. Reg. 296/19, s. 7.

(4) A hearing referred to in clause (1) (b) is a hearing at which evidence regarding the merits of the matters before the Tribunal is to be considered, and does not include a case management conference, pre-hearing conference, preliminary hearing, settlement conference, motion or other hearing event held to consider preliminary matters. O. Reg. 296/19, s. 7.

(5) For greater certainty, this section applies even if the hearing referred to in clause (1) (b) is adjourned or rescheduled. O. Reg. 296/19, s. 7.

Appeal re zoning by-law or application — no hearing scheduled

30. (1) This section applies to an appeal under subsection 34 (19) of the Act of a zoning by-law or an application for an amendment to it if,

- (a) the notice of appeal was filed before September 3, 2019;
- (b) before September 3, 2019, the Tribunal has not ordered a hearing mentioned in subsection 29 (4) of this Regulation to be scheduled in respect of the appeal; and
- (c) the giving of notice under subsection 34 (18) of the Act is completed,
 - (i) before April 3, 2018 and,
 - (A) the appeal is in respect of a zoning by-law passed in response to an application received after December 12, 2017, or
 - (B) the appeal is in respect of a zoning by-law passed after December 12, 2017 that is not in response to an application, or
 - (ii) on or after April 3, 2018 and before September 3, 2019. O. Reg. 296/19, s. 7.

(2) The Tribunal shall notify every appellant in an appeal to which this section applies before the later of 15 days following the receipt of the record referred to in subsection 34 (23) of the Act and September 3, 2019 that the appellant may, within 20 days after the Tribunal gives the notice, provide a new notice of appeal to the Tribunal in accordance with subsection 34 (19) of the Act as it reads on and after September 3, 2019. O. Reg. 296/19, s. 7.

(3) For greater certainty, if the Tribunal does not receive a new notice of appeal from an appellant within the 20-day period referred to in subsection (2), the appeal shall proceed based on the notice of appeal that was filed by the appellant in accordance with subsection 34 (19.0.2) of the Act as it read before September 3, 2019. O. Reg. 296/19, s. 7.

(4) For greater certainty, the appellant is not required to pay a fee associated with providing a new notice of appeal to the Tribunal in accordance with subsection (2). O. Reg. 296/19, s. 7.

Appeals of failures of approval authorities to make decisions

31. (1) For greater certainty, nothing in this Regulation affects the validity of an appeal under subsection 17 (40) of the Act in respect of which a notice of appeal was filed before September 3, 2019. O. Reg. 296/19, s. 7.

(2) An appeal under subsection 17 (40) of the Act shall be continued and disposed of in accordance with subsections 17 (51) and (53) of the Act as they read on September 2, 2019 if,

- (a) the notice of appeal was filed on or after April 3, 2018;
- (b) the appeal is not in relation to an official plan, an amendment to it or a repeal of it that was the subject of another appeal under subsection 17 (40) of the Act, the notice of appeal in respect of which was filed before April 3, 2018; and
- (c) the Tribunal has scheduled a hearing mentioned in subsection (3) before September 3, 2019 in respect of any appeal under subsection 17 (40) of the Act of the official plan, the amendment or the repeal that is the subject of the appeal. O. Reg. 296/19, s. 7.

(3) A hearing referred to in clause (2) (c) is a hearing at which evidence regarding the merits of the matters before the Tribunal is to be considered, and does not include a case management conference, pre-hearing conference, preliminary hearing, settlement conference, motion or other hearing event held to consider preliminary matters. O. Reg. 296/19, s. 7.

(4) For greater certainty, this section applies even if the hearing referred to in clause (2) (c) is adjourned or rescheduled. O. Reg. 296/19, s. 7.

Timelines for appealing failure to make decisions

32. (1) A request for an official plan amendment shall be continued and disposed of in accordance with subsection 22 (7.0.2) of the Act as it read on September 2, 2019 if the request was received after December 12, 2017 and on or before June 6, 2019. O. Reg. 296/19, s. 7.

(2) For greater certainty, a request for an official plan amendment shall be continued and disposed of in accordance with subsection 22 (7.0.2) of the Act as it reads on and after September 3, 2019 if the request was received after June 6, 2019 but before September 3, 2019. O. Reg. 296/19, s. 7.

(3) An application for an amendment to a zoning by-law shall be continued and disposed of in accordance with subsections 34 (11) and (11.0.0.1) and 36 (3) of the Act as they read on September 2, 2019 if the application was received after December 12, 2017 and on or before June 6, 2019. O. Reg. 296/19, s. 7.

(4) For greater certainty, an application for an amendment to a zoning by-law shall be continued and disposed of in accordance with subsections 34 (11) and (11.0.0.1) and 36 (3) of the Act as they read on and after September 3, 2019 if the application was received after June 6, 2019 but before September 3, 2019. O. Reg. 296/19, s. 7.

(5) An application for the approval of a plan of subdivision shall be continued and disposed of in accordance with subsection 51 (34) of the Act as it read on September 2, 2019 if the application was received on or before June 6, 2019. O. Reg. 296/19, s. 7.

(6) For greater certainty, an application for the approval of a plan of subdivision shall be continued and disposed of in accordance with subsection 51 (34) of the Act as it reads on and after September 3, 2019 if the application was received after June 6, 2019 but before September 3, 2019. O. Reg. 296/19, s. 7.

Appeals related to plans of subdivision

33. (1) This section applies in respect of,

(a) an appeal under subsection 51 (39) of the Act, if the giving of notice under subsection 51 (37) of the Act is completed before September 3, 2019;

(b) an appeal under subsection 51 (43) of the Act, if the notice of appeal is filed before September 3, 2019; and

(c) an appeal under subsection 51 (48) of the Act, if the giving of notice under subsection 51 (45) of the Act is completed before September 3, 2019. O. Reg. 296/19, s. 7.

(2) An appeal referred to in subsection (1) shall be continued and disposed of as if subsection 51 (48.3) of the Act was not in force. O. Reg. 296/19, s. 7.

(3) An appeal referred to in clause (1) (a) shall be continued and disposed of in accordance with subsection 51 (39) of the Act as it read on September 2, 2019. O. Reg. 296/19, s. 7.

(4) An appeal referred to in clause (1) (b) shall be continued and disposed of in accordance with subsection 51 (43) of the Act as it read on September 2, 2019. O. Reg. 296/19, s. 7.

(5) An appeal referred to in clause (1) (c) shall be continued and disposed of in accordance with subsection 51 (48) of the Act as it read on September 2, 2019. O. Reg. 296/19, s. 7.