

Bill 139 Amendments to the *Planning Act*

(comes into force on a day to be named by proclamation of the Lieutenant Governor)

The following table provides a comparison of the *Planning Act*, with the amendments of Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017* (shown in blue, with strikeouts in red), which received Royal Assent on 12 December 2017. Sections 1.01-1.2, 4-8, 9-15, 16.1, 17.1-20, 22.1- 27, 29-33, 35-35.2, 37, 39-40, 42-44, 46, 48-50.1, 51.1-70.7, 71-77 of the *Planning Act* are not included in the table because Bill 139 does not make any amendments to those sections, other than administrative changes which are indicated within the table.

This table was prepared by Wood Bull LLP for convenience purposes only. For the most accurate reference, users should consult the official version of the Bill 139, at http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session2/b139ra_e.pdf

<i>Planning Act</i>	<i>Planning Act with Bill 139 Amendments</i>
Planning Act R.S.O. 1990, CHAPTER P.13	Planning Act R.S.O. 1990, CHAPTER P.13
Interpretation	Interpretation
1. (1) In this Act,	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 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”)	“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”)	“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”)	“First Nation” means a band as defined in the Indian Act (Canada); (“Première Nation”)
	<u>“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”)</u>
“land division committee” means a land division committee constituted under section 56; (“comité de morcellement des terres”)	“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 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	“local board” means any school board, public utility commission, transportation commission, public library

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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”)	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”)
“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)	“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)
“Municipal Board” means the Ontario Municipal Board; (“Commission des affaires municipales”)	“Municipal Board” means the Ontario Municipal Board; (“Commission des affaires municipales”)
“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”)	“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”)	“prescribed” means prescribed by the regulations; (“prescrit”)
“provincial plan” means,	“provincial plan” means,
(a) the Greenbelt Plan established under section 3 of the <i>Greenbelt Act, 2005</i> ,	(a) the Greenbelt Plan established under section 3 of the <i>Greenbelt Act, 2005</i> ,
(b) the Niagara Escarpment Plan established under section 3 of the <i>Niagara Escarpment Planning and Development Act</i> ,	(b) the Niagara Escarpment Plan established under section 3 of the <i>Niagara Escarpment Planning and Development Act</i> ,
(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> ,	(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> ,
(d) a development plan approved under the <i>Ontario Planning and Development Act, 1994</i> ,	(d) a development plan approved under the <i>Ontario Planning and Development Act, 1994</i> ,
(e) a growth plan approved under the <i>Places to Grow Act, 2005</i> , or	(e) a growth plan approved under the <i>Places to Grow Act, 2005</i> , or
	<u>(e.1) a designated policy as defined in section 2 of the Lake Simcoe Protection Act, 2008.</u>
	<u>(e.2) a designated policy as defined in section 3 of the Great Lakes Protection Act, 2015.</u>
	<u>(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</u>
(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”)	(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	“public body” means a municipality, a local board, a ministry, department, board, commission, agency or official

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of a provincial or federal government or a First Nation; (“organisme public”)	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”)	“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”)	“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 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 Green Energy Act, 2009; (“projet d’énergie renouvelable”)	“renewable energy project” has the same meaning as in the Green Energy Act, 2009; (“projet d’énergie renouvelable”)
“renewable energy testing facility” has the same meaning as in the Green Energy Act, 2009; (“installation d’évaluation du potentiel en énergie renouvelable”)	“renewable energy testing facility” has the same meaning as in the Green Energy Act, 2009; (“installation d’évaluation du potentiel en énergie renouvelable”)
“renewable energy testing project” has the same meaning as in the Green Energy Act, 2009; (“projet d’évaluation du potentiel en énergie renouvelable”)	“renewable energy testing project” has the same meaning as in the Green Energy Act, 2009; (“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”)	“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,	“residential unit” means a unit that,
(a) consists of a self-contained set of rooms located in a building or structure,	(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	(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”)	(c) contains kitchen and bathroom facilities that are intended for the use of the unit only. (“unité d’habitation”)
	<u>“Tribunal” means the Local Planning Appeal Tribunal. (“Tribunal”)</u>
Limitation	Limitation
(2) The term “public body” in subsection (1) excludes all ministries of the Province of Ontario except the Ministry of Municipal Affairs and Housing in respect of subsections 17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4), 45 (12), 51 (39), (43), (48) and (52.1) and 53 (19) and (27).	(2) The term “public body” in subsection (1) excludes all ministries of the Province of Ontario except the Ministry of Municipal Affairs and Housing in respect of subsections 17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4), 45 (12), 51 (39), (43), (48) and (52.1) and 53 (19) and (27).
Designation	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	(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

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subsection (2).	subsection (2).
Exclusion	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).	(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).
Uses re “area of employment”	Uses re “area of employment”
(5) The uses referred to in the definition of “area of employment” in subsection (1) are,	(5) The uses referred to in the definition of “area of employment” in subsection (1) are,
(a) manufacturing uses;	(a) manufacturing uses;
(b) warehousing uses;	(b) warehousing uses;
(c) office uses;	(c) office uses;
(d) retail uses that are associated with uses mentioned in clauses (a) to (c); and	(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).	(e) facilities that are ancillary to uses mentioned in clauses (a) to (d).
<i>[Sections 1.01 - 1.2]</i>	<i>[No Bill 139 amendments to Sections 1.01 - 1.2]</i>
PART I PROVINCIAL ADMINISTRATION	PART I PROVINCIAL ADMINISTRATION
Provincial interest	Provincial interest
2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,	2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board 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;	(a) the protection of ecological systems, including natural areas, features and functions;
(b) the protection of the agricultural resources of the Province;	(b) the protection of the agricultural resources of the Province;
(c) the conservation and management of natural resources and the mineral resource base;	(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;	(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;	(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;	(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
(g) the minimization of waste;	(g) the minimization of waste;
(h) the orderly development of safe and healthy	(h) the orderly development of safe and healthy

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communities;	communities;
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	(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;	(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;	(j) the adequate provision of a full range of housing, including affordable housing;
(k) the adequate provision of employment opportunities;	(k) the adequate provision of employment opportunities;
(l) the protection of the financial and economic well-being of the Province and its municipalities;	(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;	(m) the co-ordination of planning activities of public bodies;
(n) the resolution of planning conflicts involving public and private interests;	(n) the resolution of planning conflicts involving public and private interests;
(o) the protection of public health and safety;	(o) the protection of public health and safety;
(p) the appropriate location of growth and development;	(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.	(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.	(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.	(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.
Approval authorities and Municipal Board to have regard to certain matters	Approval authorities and Municipal Board <u>Tribunal</u> to have regard to certain matters
2.1 When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to,	2.1 (1) When an approval authority <u>makes a decision under subsection 17 (34)</u> or the Municipal Board <u>Tribunal</u> makes a decision under this Act that relates to a planning matter <u>in respect of an appeal referred to in subsection 17 (49.7) or (53), 22 (11.3), 34 (26.8) or (29), 38 (4) or (4.1), 41 (12.0.1), 51 (39), (43) or (48) or 53 (19) or (27)</u> , 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	(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).	(b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a).
Same, Municipal Board	Same, Municipal Board <u>Tribunal</u>
(2) When the Municipal Board makes a decision under this	When the Municipal Board <u>Tribunal</u> makes a decision under

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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 Board shall have regard to any information and material that the municipal council or approval authority received in relation to the matter..	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, <u>in respect of an appeal referred to in subsection 17 (40), 51 (34) or 53 (14), the Board the Tribunal</u> shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.
Same	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.	(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.
Policy statements	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.	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.
	<u>Approval of Minister, etc.</u> <u>(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.</u>
Minister to confer	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.	(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.
Notice	Notice
(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in <i>The Ontario Gazette</i> 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.	(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in <i>The Ontario Gazette</i> 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.
Idem	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.	(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.
Policy statements and provincial plans	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 Municipal Board, in respect of the exercise of any authority that affects a planning matter,	(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 Municipal Board Tribunal , in respect of the exercise of any authority that affects a planning matter,

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(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and	(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.	(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.
Same	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,	(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	(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.	(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.
Duties of Minister unaffected	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.	(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.
(8), (9) Repealed: 1996, c. 4, s. 3.	(8), (9) Repealed: 1996, c. 4, s. 3.
	<u>Deemed Policy Statements</u>
	<u>(8) Each of the following is deemed to be a policy statement issued under subsection (1):</u> <ol style="list-style-type: none"> <u>1. A policy statement issued under section 31.1 of the Metrolinx Act, 2006.</u> <u>2. A policy statement issued under section 11 of the Resource Recovery and Circular Economy Act, 2016.</u> <u>3. A policy or statement that is prescribed for the purpose of this subsection.</u>
	<u>Exceptions</u>
	<u>(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).</u>
Review	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 .	(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 .

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<i>[Sections 4 - 7]</i>	<i>[No Bill 139 amendments to Sections 4 - 7, except striking out “the Municipal Board” and the “Board” wherever it appears and substituting in each case “the Tribunal”]</i>
PART II LOCAL PLANNING ADMINISTRATION	PART II LOCAL PLANNING ADMINISTRATION
<i>[Section 8]</i>	<i>[No Bill 139 amendments to Section 8]</i>
Local appeal body	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).	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).
Local and upper-tier municipalities	Local and upper-tier municipalities
(2) For greater certainty, this section applies to both local and upper-tier municipalities.	(2) For greater certainty, this section applies to both local and upper-tier municipalities.
Terms and qualifications	Terms and qualifications
(3) A person who is appointed to the local appeal body,	(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	(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.	(b) shall have the prescribed qualifications, if any.
Eligibility criteria	Eligibility criteria
(4) In appointing persons to the local appeal body, the council shall have regard to any prescribed eligibility criteria.	(4) In appointing persons to the local appeal body, the council shall have regard to any prescribed eligibility criteria.
Restriction	Restriction
(5) The council shall not appoint to the local appeal body a person who is,	(5) The council shall not appoint to the local appeal body a person who is,
(a) an employee of the municipality;	(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	(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.	(c) a member of a prescribed class.
Power to hear appeals	Power to hear appeals, <u>etc</u>
(6) The council may by by-law empower the local appeal body to hear appeals under,	(6) The council may by by-law empower the local appeal body to hear appeals <u>or motions for directions, as the case may be</u> , under,
	<u>(a) subsections 41 (4.2), (12) and (12.0.1);</u>
(a) subsection 45 (12);	(a) <u>(b)</u> subsection 45 (12);
(b) subsections 53 (14), (19) and (27); or	(b) <u>(c)</u> subsections 53 <u>(4.1)</u> , (14), (19) and (27); or
(c) the provisions listed in both clauses (a) and (b).	(c) the provisions listed in both <u>any combination of</u> clauses (a), <u>(b)</u> and (b) <u>(c)</u> .

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	<u>Interpretation re appeals</u>
	<p><u>(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:</u></p> <p><u>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.</u></p> <p><u>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.</u></p>
Effect of by-law under subs. (6)	Effect of by-law under subs. (6)
(7) If a by-law has been passed under subsection (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 Municipal Board under the relevant provisions of this Act;	(a) the local appeal body has all the powers and duties of the Municipal Board <u>Tribunal</u> under the relevant provisions of this Act;
(b) all references in this Act to the Municipal Board in connection with appeals shall be read as references to the local appeal body; and	(b) all references in this Act to the Municipal Board <u>Tribunal</u> in connection with appeals <u>under the relevant provisions</u> 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 Municipal Board.	(c) appeals under the relevant provisions shall be made to the local appeal body, not to the Municipal Board <u>Tribunal</u> .
Prescribed requirements	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.	(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.
Fee	Fee
(9) An appellant shall pay to the local appeal body any fee that the council establishes by by-law.	(9) An appellant shall pay to the local appeal body any fee that the council establishes by by-law.
Appeal	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.	(10) An appeal lies from the local appeal body to the Divisional Court, with leave of the Divisional Court, on a question of law.
Saving	Saving <u>Exception</u>
(11) For greater certainty, the local appeal body does not have power to make determinations under subsection 53 (4.1).	(11) For greater certainty, the local appeal body does not have power to make determinations <u>Subsection (10) does not apply in respect of a motion for directions</u> under subsection <u>41 (4.2) or 53 (4.1)</u> .
Exception, related appeals	Exception, related appeals
(12) Despite subsection (7), an appeal under a provision listed in subsection (6) shall be made to the Municipal Board,	(12) Despite subsection (7), an appeal under a provision listed in subsection (6) shall be made to the Municipal Board

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not to the local appeal body, if a related appeal,	Tribunal , not to the local appeal body, if a related appeal,
(a) has previously been made to the Board and has not yet been finally disposed of; or	(a) has previously been made to the Board Tribunal and has not yet been finally disposed of; or
(b) is made to the Board together with the appeal under a provision listed in subsection (6).	(b) is made to the Board Tribunal together with the appeal under a provision listed in subsection (6).
Same	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,	(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) under section 17, 22, 34, 36, 38, 41 or 51 or in relation to a development permit system; and	[see (b) below]
(b) in respect of the same matter as the appeal under a provision listed in subsection (6).	(b) (a) in respect of the same matter as the appeal under a provision listed in subsection (6); and
[see (a) above]	(a) (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, 41 or 51 or in relation to a development permit system; and .
Dispute	Dispute
(14) A person may make a motion for directions to have the Municipal Board determine a dispute about whether subsection (12) or (16) applies to an appeal.	(14) A person may make a motion for directions to have the Municipal Board Tribunal determine a dispute about whether subsection (12) or (16) applies to an appeal.
Final Determination	Final Determination
(15) The Municipal Board's determination under subsection (14) is not subject to appeal or review.	(15) The Municipal Board Tribunal 's determination under subsection (14) is not subject to appeal or review.
O.M.B. to assume jurisdiction	O.M.B.L.P.A.T to assume jurisdiction
(16) If an appeal has been made to a local appeal body under a provision listed in subsection (6) but no hearing has begun, and a notice of appeal is filed in respect of a related appeal, the Municipal Board shall assume jurisdiction to hear the first-mentioned appeal.	(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 Municipal Board Tribunal shall assume jurisdiction to hear the first-mentioned appeal.
Same	Same
(17) When the Municipal Board assumes jurisdiction as described in subsection (16), the local appeal body,	(17) When the Municipal Board Tribunal assumes jurisdiction as described in subsection (16), the local appeal body,
(a) shall immediately forward to the Board all information and material in its possession that relates to the appeal; and	(a) shall immediately forward to the Board 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.	(b) shall not take any further action with respect to the appeal.
Withdrawal of power	Withdrawal of power
(18) The Minister may by order, accompanied by a written explanation for it, withdraw the power given to a local appeal	(18) The Minister may by order, accompanied by a written explanation for it, withdraw the power given to a local appeal

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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.	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.
Exception	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.	(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.
Effect of withdrawal	Effect of withdrawal
(20) If an order is made under subsection (18),	(20) If an order is made under subsection (18),
(a) the Municipal Board shall hear all appeals to which the order applies; and	(a) the Municipal Board <u>Tribunal</u> shall hear all appeals to which the order applies; and
(b) the local appeal body to which the order relates shall forward to the Board all information and material in its possession that relates to any appeal to which the order applies.	(b) the local appeal body to which the order relates <u>Tribunal</u> shall forward to the <u>local appeal body</u> all information and material in its possession that relates to any appeal to which the order applies.
Revocation of withdrawal	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).	(21) The Minister may by order, accompanied by a written explanation for it, revoke all or part of an order made under subsection (18).
Exception	Exception
(22) An order made under subsection (21) does not apply to an appeal if the hearing before the Municipal Board has begun on or before the date of the order.	(22) An order made under subsection (21) does not apply to an appeal if the hearing before the Municipal Board <u>Tribunal</u> has begun on or before the date of the order.
Effect of revocation	Effect of revocation
(23) If an order is made under subsection (21),	(23) If an order is made under subsection (21),
(a) the local appeal body shall hear all appeals to which the order applies; and	(a) the local appeal body shall hear all appeals to which the order applies; and
(b) the Municipal Board shall forward to the local appeal body all information and material in its possession that relates to any appeal to which the order applies.	(b) the Municipal Board <u>Tribunal</u> shall forward to the local appeal body all information and material in its possession that relates to any appeal to which the order applies.
Dissolution of local appeal body	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.	(23.1) Subject to subsections (23.2) and (23.3), the Minister may by order dissolve the local appeal body.
Rules re dissolution order	Rules re dissolution order
(23.2) If the Minister makes an order under subsection (23.1), the following rules apply:	(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 Municipal Board and the local appeal body shall forward to the Board all information and material in its possession that relates to	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 Municipal Board <u>Tribunal</u> and the local appeal body shall forward to the Board <u>Tribunal</u> all information and material in its possession

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any such appeal.	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.	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 Municipal Board.	3. An appeal under a provision listed in subsection (6) shall be made to the Municipal Board Tribunal .
Effective date of order under subs. (23.1)	Effective date of order under subs. (23.1)
(23.3) An order made under subsection (23.1) shall take effect on the following:	(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.	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.	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.
Not regulation	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.	(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.
Restriction	Restriction
(24) This section does not authorize a municipality to,	(24) This section does not authorize a municipality to,
(a) establish a joint local appeal body together with one or more other municipalities; or	(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.	(b) empower a local appeal body that is established by another municipality to hear appeals.
City of Toronto	City of Toronto
(25) This section does not apply with respect to the City of Toronto.	(25) This section does not apply with respect to the City of Toronto.
Transition	Transition
(26) This section does not apply with respect to an appeal that is made before the day a by-law passed under subsection (6) by the council of the relevant municipality comes into force.	(26) This section does not apply with respect to an appeal that is made before the day a by-law passed under subsection (6) by the council of the relevant municipality comes into force. 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

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	<u>that empowers the local appeal body to hear that type of appeal comes into force.</u>
	<u>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.</u>
	<u>Deeming rule re appeals under subs. 53 (4.1)</u>
	<u>(27) If a municipality has, before the day subsection 4 (1) of Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> 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.</u>
<i>[Sections 9 - 15]</i>	<i>[No Bill 139 amendments to Sections 9 - 15, except striking out “the Municipal Board” and the “Board” wherever it appears and substituting in each case “the Tribunal”]</i>
PART III OFFICIAL PLANS	PART III OFFICIAL PLANS
Contents of official plan	Contents of official plan
16. (1) An official plan shall contain,	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) 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;
	<u>(a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing;</u>
(b) a description of the measures and procedures for informing and obtaining the views of the public in respect of,	(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,	(i) proposed amendments to the official plan or proposed revisions of the plan,
(ii) proposed zoning by-laws,	(ii) proposed zoning by-laws,
(iii) proposed plans of subdivision, and	(iii) proposed plans of subdivision, and
(iv) proposed consents under section 53; and	(iv) proposed consents under section 53; and
(c) such other matters as may be prescribed.	(c) such other matters as may be prescribed.
Same	Same
(2) An official plan may contain,	(2) An official plan may contain,
(a) a description of the measures and procedures proposed to	(a) a description of the measures and procedures proposed to

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attain the objectives of the plan;	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	(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.	(c) such other matters as may be prescribed.
Second unit policies	Second unit policies
(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,	(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,
[Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (3) of the Act is amended by striking out “Without limiting what an official plan is required to or may contain under subsection (1) or (2)” at the beginning of the portion before clause (a). (See: 2016, c. 25, Sched. 4, s. 1 (1))]	[Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (3) of the Act is amended by striking out “Without limiting what an official plan is required to or may contain under subsection (1) or (2)” at the beginning of the portion before clause (a). (See: 2016, c. 25, Sched. 4, s. 1 (1))]
(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and	(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.	(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.
(4) Repealed: 1996, c. 4, s. 8 (2).	(4) Repealed: 1996, c. 4, s. 8 (2).
[Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (2))]	[Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (2))]
Inclusionary zoning policies	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,	(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	(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.	(b) providing for the affordable housing units to be maintained as affordable housing units over time.
Same	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).	(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).
Goals and objectives	Goals and objectives

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(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.	(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.
Prescribed provisions and matters	Prescribed provisions and matters
(7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters.	(7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters.
No limitation	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.	(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.
[Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (3))]	[Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (3))]
Assessment report	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.	(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.
Updating of assessment report	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.	(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
Periodic updating	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.	(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.
Requirements relating to assessment reports	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.	(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.
Assessment reports to be made available to public	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	(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

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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.	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.
	<u>Climate change policies</u>
	<u>(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.</u>
	<u>Protected major transit station areas – single-tier municipality</u>
	<u>(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,</u>
	<u>(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;</u>
	<u>(b) identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and</u>
	<u>(c) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.</u>
	<u>Same, upper-tier municipality</u>
	<u>(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,</u>
	<u>(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area; and</u>
	<u>(b) require official plans of the relevant lower-tier municipality or municipalities to include policies that,</u> <u>(i) identify the authorized uses of land in the area and of buildings or structures on lands in the area; and</u> <u>(ii) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.</u>

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	<u>Failure to amend official plan</u>
	<u>(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.</u>
	<u>No exemption under subs. 17 (9)</u>
	<u>(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:</u>
	<u>1. Adds all of the policies described in subsection (15) to the official plan.</u>
	<u>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).</u>
	<u>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).</u>
	<u>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.</u>
	<u>Authorization under subs. 17 (10) does not apply</u>
	<u>(19) An authorization under subsection 17 (10) does not apply to an amendment to an official plan of a lower-tier municipality that,</u>
	<u>(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</u>
	<u>(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).</u>
<i>[Section 16.1]</i>	<i>[No Bill 139 amendments to Section 16.1]</i>

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Approvals	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.	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.
Approval by upper-tier municipality	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.	(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.
(3) Repealed: 2002, c. 17, Sched. B, s. 5 (2).	(3) Repealed: 2002, c. 17, Sched. B, s. 5 (2).
Upper-tier become approval authority	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.	(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.
(5) Repealed: 2002, c. 17, Sched. B, s. 5 (4).	(5) Repealed: 2002, c. 17, Sched. B, s. 5 (4).
Removal of power	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.	(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.
Transfer of approval authority	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.	(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.
Revocation	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.	(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.
Exemption	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	(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

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proposed official plan amendments.	proposed official plan amendments.
Authority to exempt	Authority to exempt
(10) The Minister may by order authorize an approval authority to pass a by-law,	(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	(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.	(b) exempting a plan or proposed official plan amendment from its approval under this section.
Conditions	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.	(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.
Removal of exemption or authorization	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).	(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).
Mandatory adoption	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.	(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.
Discretionary adoption	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.	(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.
Consultation and public meeting	Consultation and public meeting
(15) In the course of the preparation of a plan, the council shall ensure that,	(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;	(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;	(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	(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	(d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in

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respect of the current proposed plan.	respect of the current proposed plan.
Open house	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).	(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).
Notice	Notice
(17) Notice of the public meeting required under clause (15) (d) and of the open house, if any, required under subsection (16) shall,	(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	(a) be given to the prescribed persons and public bodies, in the prescribed manner; and
(b) be accompanied by the prescribed information.	(b) be accompanied by the prescribed information.
Time for provision of copy to Minister	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 sub-section (17) if,	(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 sub-section (17) if,
(a) the Minister is the approval authority in respect of the plan or amendment; and	(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.	(b) the plan or amendment is not exempt from approval.
(17.2) Repealed: 2015, c. 26, s. 18 (2).	(17.2) Repealed: 2015, c. 26, s. 18 (2).
Timing of open house	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.	(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.
Timing of public meeting	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.	(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.
Information and material	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.	(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.
Participation in public meeting	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.	(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.
Alternative procedure	Alternative procedure
(19.3) If an official plan sets out alternative measures for	(19.3) If an official plan sets out alternative measures for

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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.	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.
Same	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).	(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).
Transition	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 <i>Smart Growth for Our Communities Act, 2015</i> comes into force.	(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 <i>Smart Growth for Our Communities Act, 2015</i> comes into force.
Information	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).	(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).
Where alternative procedures followed	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.	(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.
Submissions	Submissions
(20) Any person or public body may make written submissions to the council before a plan is adopted.	(20) Any person or public body may make written submissions to the council before a plan is adopted.
Comments	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.	(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.
Adoption of plan	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	(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

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approval.	approval.
Notice	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,	(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;	(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	(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.	(c) to any other person or public body that is prescribed.
Contents	Contents
(23.1) The notice under subsection (23) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written and oral submissions	Written and oral submissions
(23.2) Clause (23.1) (a) applies to,	(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	(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.	(b) any oral submissions relating to the plan that were made at a public meeting.
Right to appeal	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 Municipal Board by filing a notice of appeal with the clerk of the municipality:	(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 Municipal Board <u>Tribunal</u> 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.	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.	2. The Minister.
3. The appropriate approval authority.	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.	4. In the case of a request to amend the plan, the person or public body that made the request.
	<u>Basis for appeal</u>

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	<u>(24.0.1) An appeal under subsection (24) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan.</u>
No appeal re second unit policies	No appeal re second unit policies
(24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.	(24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.
Exception re Minister	Exception re Minister
(24.1.1) Subsection (24.1) does not apply to an appeal by the Minister.	(24.1.1) Subsection (24.1) does not apply to an appeal by the Minister.
[Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 2 (2))]	[Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 2 (2))]
No appeal re inclusionary zoning policies	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.	(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.
No global appeal	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.	(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.
Same	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).	(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).
No appeal re certain matters	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).	(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).
Same	Same
(24.5) Subsections (24.4) and (36.4) apply to a part of an official plan that,	(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,	(a) identifies an area as being within the boundary of,
(i) a vulnerable area as defined in subsection 2 (1) of the <i>Clean Water Act, 2006</i> ,	(i) a vulnerable area as defined in subsection 2 (1) of the <i>Clean Water Act, 2006</i> ,
(ii) the Lake Simcoe watershed as defined in section 2	(ii) the Lake Simcoe watershed as defined in section 2

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of the <i>Lake Simcoe Protection Act, 2008</i> ,	of the <i>Lake Simcoe Protection Act, 2008</i> ,
(iii) the Greenbelt Area or Protected Countryside as defined in subsection 1 (1) of the <i>Greenbelt Act, 2005</i> , or within the boundary of a specialty crop area designated by the Greenbelt Plan established under that Act, or	(iii) the Greenbelt Area or Protected Countryside as defined in subsection 1 (1) of the <i>Greenbelt Act, 2005</i> , 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 Plan established under the <i>Oak Ridges Moraine Conservation Act, 2001</i> ;	(iv) the Oak Ridges Moraine Conservation Plan Area as defined in subsection 3 (1) of the Oak Ridges Moraine Conservation Plan established under the <i>Oak Ridges Moraine Conservation Act, 2001</i> ;
(b) identifies forecasted population and employment growth as set out in a growth plan that,	(b) identifies forecasted population and employment growth as set out in a growth plan that,
(i) is approved under the <i>Places to Grow Act, 2005</i> , and	(i) is approved under the <i>Places to Grow Act, 2005</i> , and
(ii) applies to the Greater Golden Horseshoe growth plan area designated in Ontario Regulation 416/05 (Growth Plan Areas) made under that Act;	(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	(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.	(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.
Notice of appeal	Notice of appeal
(25) The notice of appeal filed under subsection (24) must,	(25) The notice of appeal filed under subsection (24) must,
(a) set out the specific part of the plan to which the notice applies;	(a) set out the specific part of the plan to which the notice applies;
(b) set out the reasons for the appeal; and	(b) set out the reasons for the appeal explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan ; and
(c) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> .	(c) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .
Same	Same
(25.1) If the appellant intends to argue that the appealed	(25.1) If the appellant intends to argue that the appealed

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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.	decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.
Timing	Timing
(26) For the purposes of subsections (24), (36) and (41.1), the giving of written notice shall be deemed to be completed,	(26) For the purposes of subsections (24), (36) and (41.1), the giving of written notice shall be deemed to be completed,
(a) where notice is given by personal service, on the day that the serving of all required notices is completed;	(a) 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;	(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	(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.	(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.
Use of dispute resolution techniques	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.	(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.
Notice and invitation	Notice and invitation
(26.2) If the council decides to act under subsection (26.1),	(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	(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,	(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,	(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,	(ii) in the case of a request to amend the plan, the person or public body that made the request,
(iii) the Minister,	(iii) the Minister,
(iv) the appropriate approval authority, and	(iv) the appropriate approval authority, and
(v) any other persons or public bodies that the council considers appropriate.	(v) any other persons or public bodies that the council considers appropriate.
Extension of time	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.	(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.

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Participation voluntary	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.	(26.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (26.2) (b) is voluntary.
Decision final	Decision final
(27) If no notice of appeal is filed under subsection (24) in respect of all or part of the decision of council and the time for filing appeals has expired,	(27) If <u>one or more persons or public bodies have a right</u> to notice of appeal is filed under subsection (24) in respect of all or part of the decision of council, <u>but no notice of appeal is filed under that subsection</u> 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	(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.	(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.
	Same
	<u>(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,</u>
	<u>(a) the decision of council is final; and</u>
	<u>(b) the plan that was adopted comes into effect as an official plan on the day after the day it was adopted.</u>
Declaration	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.	(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.
Forwarding of record, etc.	Forwarding of record, etc.
(29) If a notice of appeal under subsection (24) is filed, the clerk of the municipality shall ensure that,	(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;	(a) a record is compiled which includes the prescribed information and material;
(b) the record, the notice of appeal and the fee prescribed under the <i>Ontario Municipal Board Act</i> are forwarded to the Municipal Board within 15 days after the last day for filing a notice of appeal;	(b) the record, the notice of appeal and the fee prescribed under the <i>Ontario Municipal Board Act</i> <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i></u> are forwarded to the Municipal Board Tribunal <u>Municipal Board Tribunal</u> 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	(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

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not wish to receive copies of the notices of appeal and the records; and	not wish to receive copies of the notices of appeal and the records; and
(d) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board.	(d) such other information or material as the Municipal Board <u>Tribunal</u> may require in respect of the appeal is forwarded to the Board <u>Tribunal</u> .
Exception	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 Municipal Board and under clause (29) (c) to the appropriate approval authority.	(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 Municipal Board <u>Tribunal</u> and under clause (29) (c) to the appropriate approval authority.
Where appeals withdrawn	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.	(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.
Withdrawal of appeals	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 secretary of the Municipal Board shall notify the clerk of the municipality that made the decision and,	(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 secretary of the Municipal Board <u>Tribunal</u> 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	(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.	(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.
Same	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.	(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.
Record	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.	(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.
Other information	Other information
(32) An approval authority may require that a council provide such other information or material that the approval	(32) An approval authority may require that a council provide such other information or material that the approval

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authority considers it may need.	authority considers it may need.
Refusal to consider	Refusal to consider
(33) Until the approval authority has received the information, material and fee referred to in subsection (31),	(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	(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.	(b) the time period referred to in subsection (40) does not begin.
Action by approval authority	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,	(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	(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.	(b) approve, modify and approve as modified or refuse to approve part or parts of the plan.
Exception, non-conforming lower-tier plan	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,	(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;	(a) the upper-tier municipality's official plan;
(b) a new official plan of the upper-tier municipality that was adopted before the 180th day after the lower-tier municipality adopted its plan, but is not yet in effect; or	(b) a new official plan of the upper-tier municipality that was adopted before the 180 <u>210</u> th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 180th day after the lower-tier municipality adopted its plan, but is not yet in effect.	(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 180 <u>210</u> th day after the lower-tier municipality adopted its plan, but is not yet in effect.
No restriction	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 sub-section.	(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 sub-section.
Notice	Notice
(35) If the approval authority makes a decision under subsection (34) it shall ensure that written notice of its decision is given to,	(35) If the approval authority makes a decision under subsection (34) it shall ensure that written notice of its decision is given to,
(a) the council or planning board that adopted the plan;	(a) the council or planning board that adopted the plan;
(b) each person or public body that made a written request to	(b) each person or public body that made a written request to

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be notified of the decision;	be notified of the decision;
(c) each municipality or planning board to which the plan would apply if approved; and	(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.	(d) any other person or public body that is prescribed.
Contents	Contents
(35.1) The notice under subsection (35) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written submissions	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.	(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.
Exception	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 <i>Environmental Bill of Rights, 1993</i> , the brief explanation referred to in clause (35.1) (a) is not required.	(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 <i>Environmental Bill of Rights, 1993</i> , the brief explanation referred to in clause (35.1) (a) is not required.
Appeal to O.M.B.	Appeal to O.M.B.
(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 Municipal Board by filing a notice of appeal with the approval authority:	(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 Municipal Board <u>Tribunal</u> 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.	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.	2. The Minister.
3. In the case of a request to amend the plan, the person or public body that made the request.	3. In the case of a request to amend the plan, the person or public body that made the request.
	<u>Basis for appeal</u>
	<u>(36.0.1) An appeal under subsection (36) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.</u>
No appeal re second unit policies	No appeal re second unit policies
(36.1) Despite subsection (36), there is no appeal in respect	(36.1) Despite subsection (36), there is no appeal in respect

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of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.	of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.
Exception re Minister	Exception re Minister
(36.1.1) Subsection (36.1) does not apply to an appeal by the Minister.	(36.1.1) Subsection (36.1) does not apply to an appeal by the Minister.
[Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 2 (4))]	[Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 2 (4))]
No appeal re inclusionary zoning policies	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.	(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.
Exception re Minister	Exception re Minister
(36.1.3) Subsection (36.1.2) does not apply to an appeal by the Minister.	(36.1.3) Subsection (36.1.2) does not apply to an appeal by the Minister.
	<u>No appeal re protected major transit station policies</u>
	<u>(36.1.4) Despite subsection (36), there is no appeal in respect of the following:</u>
	<u>1. Policies that identify a protected major transit station area in accordance with subsection 16 (15) or (16), including any changes to those policies.</u>
	<u>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).</u>
	<u>3. Policies in a lower-tier municipality's official plan that are described in subclause 16 (16) (b) (i) or (ii).</u>
	<u>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).</u>
	<u>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).</u>
	<u>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).</u>

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	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).
	<u>Limitation</u>
	(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.
	<u>Exception</u>
	(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.
	<u>Exception re Minister</u>
	(36.1.7) Subsection (36.1.4) does not apply to an appeal by the Minister.
No global appeal	No global appeal
(36.2) Despite subsection (36), in the case of a new official plan 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.	(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.
Same	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).	(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).
No appeal re certain matters	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).	(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).

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	<u>No appeal re decision by Minister</u>
	<u>(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. [note: see subsection 21(3) - for amendments, applies only to s.26 amendments]</u>
Contents of notice	Contents of notice
(37) The notice of appeal under subsection (36) must,	(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;	(a) set out the specific part or parts of the plan to which the notice of appeal applies;
(b) set out the reasons for the appeal; and	(b) set out the reasons for the appeal; <u>explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan;</u> and
(c) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> .	(c) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>.</u>
Same	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.	(37.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.
Use of dispute resolution techniques	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.	(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.
Notice and invitation	Notice and invitation
(37.3) If the approval authority decides to act under subsection (37.2),	(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;	(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,	(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,	(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	(ii) in the case of a request to amend the plan, the person

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or public body that made the request,	or public body that made the request,
(iii) the Minister,	(iii) the Minister,
(iv) the municipality that adopted the plan, and	(iv) the municipality that adopted the plan, and
(v) any other persons or public bodies that the approval authority considers appropriate.	(v) any other persons or public bodies that the approval authority considers appropriate.
Extension of time	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.	(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.
Participation voluntary	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.	(37.5) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (37.3) (b) is voluntary.
Decision final	Decision final
(38) If no notice of appeal is filed under subsection (36) in respect of all or part of the decision of the approval authority and the time for filing appeals has expired,	(38) If <u>one or more persons or public bodies have a right to</u> notice of appeal is filed under subsection (36) in respect of all or part of the decision of the approval authority, <u>but no appeal is filed under that subsection</u> 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	(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.	(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.
	Same
	<u>(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,</u>
	<u>(a) the decision of the approval authority is final; and</u>
	<u>(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.</u>
Withdrawal of appeals	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 secretary of the Municipal Board shall notify the approval authority that made the decision and,	(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 secretary of the Municipal Board <u>Tribunal</u> 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	(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	(b) the plan or part of the plan that was approved and in

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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.	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.
Appeal to O.M.B.	Appeal to O.M.B.
(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).	(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 <u>210</u> days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Municipal Board <u>Tribunal</u> with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).
Extension of time for appeal	Extension of time for appeal
(40.1) The 180-day period referred to in subsection (40) may be extended in accordance with the following rules:	(40.1) The 180 <u>210</u> -day period referred to in subsection (40) may be extended in accordance with the following rules:
1. In the case of an amendment requested under section 22, the person or public body that made the request may extend the period for up to 90 days by written notice to the approval authority.	1. In the case of an amendment requested under section 22, the person or public body that made the request may extend the period for up to 90 days by written notice to the approval authority.
2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.	2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.
3. The approval authority may extend the period for up to 90 days by written notice to the person or public body or to the municipality, as the case may be.	3. The approval authority may extend the period for up to 90 days by written notice to the person or public body or to the municipality, as the case may be.
4. The notice must be given before the expiry of the 180-day period.	4. The notice must be given before the expiry of the 180 <u>210</u> -day period.
5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.	5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.
6. The person, public body, municipality or approval authority that gave or received a notice extending the period may terminate the extension at any time by another written notice.	6. The person, public body, municipality or approval authority that gave or received a notice extending the period may terminate the extension at any time by another written notice.
7. No notice of an extension or of the termination of an extension need be given to any other person or entity.	7. No notice of an extension or of the termination of an extension need be given to any other person or entity.
Exception, non-conforming lower-tier plan	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 180 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,	(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 180 <u>210</u> 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,

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(a) the upper-tier municipality's official plan;	(a) the upper-tier municipality's official plan;
(b) a new official plan of the upper-tier municipality that was adopted before the 180th day after the lower-tier municipality adopted its plan, but is not yet in effect; or	(b) a new official plan of the upper-tier municipality that was adopted before the 180 <u>210</u> th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 180th day after the lower-tier municipality adopted its plan, but is not yet in effect.	(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 180 <u>210</u> th day after the lower-tier municipality adopted its plan, but is not yet in effect.
No review	No review
(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Municipal Board.	(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Municipal Board <u>Tribunal</u> .
Time for appeal	Time for appeal
(40.4) If the approval authority states an opinion as described in subsection (40.2), the 180-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved.	(40.4) If the approval authority states an opinion as described in subsection (40.2), the 180 <u>210</u> -day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved.
Notice of appeal	Notice of appeal
(41) A notice of appeal filed under subsection (40) must,	(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	(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 prescribed under the <i>Ontario Municipal Board Act</i> .	(b) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> the fee <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i></u> .
Notice limiting appeal period	Notice limiting appeal period
(41.1) At any time after receiving a notice of appeal under subsection (40), an approval authority may give the persons and public bodies listed in clauses (35) (a) to (d) a written notice, relating to the relevant plan and including the prescribed information; after the day that is 20 days after the day the giving of the notice is completed, no person or public body is entitled to appeal under subsection (40) with respect to the relevant plan.	(41.1) At any time after receiving a notice of appeal under subsection (40), an approval authority may give the persons and public bodies listed in clauses (35) (a) to (d) a written notice, relating to the relevant plan and including the prescribed information; after the day that is 20 days after the day the giving of the notice is completed, no person or public body is entitled to appeal under subsection (40) with respect to the relevant plan.
Documents to O.M.B.	Documents to O.M.B. <u>L.P.A.T.</u>
(42) If an approval authority receives a notice of appeal under subsection (36) or (40), it shall ensure that,	(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;	(a) a record is compiled which includes the prescribed information and material;
(b) the record, notice of appeal and the fee prescribed under the <i>Ontario Municipal Board Act</i> are forwarded to the Municipal Board 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	(b) the record, notice of appeal and the fee prescribed under the <i>Ontario Municipal Board Act</i> <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i></u> are forwarded to the Municipal Board <u>Tribunal</u> 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

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case may be; and	filed, as the case may be; and
(c) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board.	(c) such other information or material as the Municipal Board <u>Tribunal</u> may require in respect of the appeal is forwarded to the Board <u>Tribunal</u> .
Exception	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 Municipal Board.	(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 Municipal Board <u>Tribunal</u> .
Appeals withdrawn, decision	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.	(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.
Appeals withdrawn, plan	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.	(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.
Appeals withdrawn	Appeals withdrawn
(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Municipal Board 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.	(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Municipal Board <u>Tribunal</u> 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.
Hearing	Hearing
(44) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Board may determine.	(44) On an appeal to the Municipal Board <u>Tribunal</u> , the Board <u>Tribunal</u> shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Board <u>Tribunal</u> may determine.
Restriction re adding parties	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:	(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).	1. A person or public body who satisfies one of the conditions set out in subsection (44.2).
2. The Minister.	2. The Minister.
3. The appropriate approval authority.	3. The appropriate approval authority.
Same	Same
(44.2) The conditions mentioned in paragraph 1 of	(44.2) The conditions mentioned in paragraph 1 of

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subsection (44.1) are:	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.	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 Municipal Board is of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Municipal Board <u>Tribunal</u> is of the opinion that there are reasonable grounds to add the person or public body as a party.
New evidence at hearing	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.	(44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal.
Same	Same
(44.4) When subsection (44.3) applies, the Municipal Board 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 Board 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.	(44.4) When subsection (44.3) applies, the Municipal Board 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 Board determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed.
Notice to council	Notice to council
(44.5) The Municipal Board shall notify the council that it is being given an opportunity to,	(44.5) The Municipal Board shall notify the council that it is being given an opportunity to,
(a) reconsider its decision in light of the information and material; and	(a) reconsider its decision in light of the information and material; and
(b) make a written recommendation to the Board.	(b) make a written recommendation to the Board.
Council's recommendation	Council's recommendation
(44.6) The Municipal Board 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.	(44.6) The Municipal Board shall have regard to the council's recommendation if it is received within the time period referred to in subsection (44.4), and may but is not required to do so if it is received afterwards.
Conflict with SPPA	Conflict with SPPA
(44.7) Subsections (44.1) to (44.6) apply despite the <i>Statutory Powers Procedure Act</i> .	(44.7) Subsections (44.1) to (44.6 2) apply despite the <i>Statutory Powers Procedure Act</i> .
Dismissal without hearing	Dismissal without hearing
(45) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Municipal Board may dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if,	(45) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Municipal Board may <u>Tribunal shall</u> dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if, any of the following apply:
(a) it is of the opinion that,	(a) it <u>1. The Tribunal</u> 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	(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon

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which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Board,	which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Board,
	<u>i. the explanation required by clause (25) (b) or (37) (b), as the case may be, does not disclose that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan, or in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.</u>
(ii) the appeal is not made in good faith or is frivolous or vexatious,	(ii) ii. <u>ii.</u> 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	(iii) iii. <u>iii.</u> the appeal is made only for the purpose of delay, or
(iv) the appellant has persistently and without reasonable grounds commenced before the Board proceedings that constitute an abuse of process;	(iv) iv. <u>iv.</u> the appellant has persistently and without reasonable grounds commenced before the Board <u>Tribunal</u> proceedings that constitute an abuse of process;
(b) Repealed: 2006, c. 23, s. 9 (10).	(b) Repealed: 2006, c. 23, s. 9 (10).
(c) the appellant has not provided written reasons with respect to an appeal under subsection (24) or (36);	(c) the 2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36) the <u>explanations required by clause (25) (b) or (37) (b), as applicable;</u>
(c.1) 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;	(c.1) 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;
(d) the appellant has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> ; or	(d) the 3. The appellant has not paid the fee prescribed charged under the <i>Ontario Municipal Board Act</i>; or <u><i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.</u>
(e) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.	(e) the 4. The appellant has not responded to a request by the Municipal Board <u>Tribunal</u> for further information within the time specified by the Board <u>Tribunal</u> .
Same	Same
(45.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Municipal Board 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 Board'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.	(45.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Municipal Board <u>Tribunal</u> 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 Board <u>Tribunal</u> '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.
Representation	Representation
(46) Before dismissing all or part of an appeal, the	(46) Before dismissing all or part of an appeal, the

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Municipal Board 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 (45) (e).	Municipal Board <u>Tribunal</u> 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 (45) (e) <u>paragraph 3 or 4 of subsection (45)</u> .
Dismissal	Dismissal
(46.1) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board 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.	(46.1) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board <u>Tribunal</u> 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.
Dismissal	Dismissal
(47) If the Municipal Board 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 secretary of the Municipal Board shall notify the clerk of the municipality or the approval authority and,	(47) If the Municipal Board <u>Tribunal</u> 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 secretary of the Municipal Board <u>Tribunal</u> 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	(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.	(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.
Same	Same
(48) If the Municipal Board dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the secretary of the Board 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.	(48) If the Municipal Board <u>Tribunal</u> dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the secretary of the Board <u>Tribunal</u> 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.
Transfer	Transfer
(49) If a notice of appeal under subsection (24), (36) or (40) is received by the Municipal Board, the Board may require that a municipality or approval authority transfer to the Board any other part of the plan that is not in effect and to which the notice of appeal does not apply.	(49) If a notice of appeal under subsection (24), (36) or (40) is received by the Municipal Board <u>Tribunal</u> , the Board <u>Tribunal</u> may require that a municipality or approval authority transfer to the Board <u>Tribunal</u> any other part of the plan that is not in effect and to which the notice of appeal does not apply.
	<u>Powers of L.P.A.T. - appeals under subs. (24) and (36)</u>
	<u>(49.1) Subject to subsections (49.3) and (49.9), after holding a hearing on an appeal under subsection (24) or (36), the Tribunal shall dismiss the appeal.</u>

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	<u>Same</u>
	<u>(49.2) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision after holding a hearing, the Tribunal shall notify the clerk of the municipality or the approval authority and,</u>
	<u>(a) the decision or that part of the decision that was the subject of the appeal is final; and</u>
	<u>(b) the plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed.</u>
	<u>Refusal and notice to make new decision</u>
	<u>(49.3) Unless subsection (49.4), (49.7) or (49.8) applies, if the Tribunal determines that a part of a decision to which a notice of appeal under subsection (24) or (36) relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan,</u>
	<u>(a) the Tribunal shall refuse to approve that part of the plan; and</u>
	<u>(b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter.</u>
	<u>Revised plan with consent of parties</u>
	<u>(49.4) Unless subsection (49.8) applies, if a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan.</u>
	<u>Same, notice to make new decision</u>
	<u>(49.5) If subsection (49.4) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan,</u>
	<u>(a) the Tribunal shall refuse to approve that part of the plan;</u>

<i>Planning Act</i>	<i>Planning Act with Bill 139 Amendments</i>
	<u>and</u>
	<u>(b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter.</u>
	<u>Rules that apply if notice is received</u>
	<u>(49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply:</u>
	<u>1. The council of the municipality may prepare and adopt another plan in accordance with this section, subject to the following:</u>
	<u>i. Subsections (16) and (17.1) do not apply.</u>
	<u>ii. If the plan is not exempt from approval,</u>
	<u>A. the reference to “within 210 days” in subsection (40) shall be read as “within 90 days”.</u>
	<u>B. subsection (40.1) does not apply.</u>
	<u>C. references to “210 days” and “210th day” in subsection (40.2) shall be read as “90 days” and “90th day”, respectively, and</u>
	<u>D. the reference to “210-day period” in subsection (40.4) shall be read as “90-day period”.</u>
	<u>2. If the decision referred to in subsection (49.3) was in respect of an amendment adopted in response to a request under subsection 22 (1) or (2), the references to “within 210 days after the day the request is received” in paragraphs 1 and 2 of subsection 22 (7.0.2) shall be read as “within 90 days after the day notice under clause (49.3) (b) was received”.</u>
	<u>Second appeal</u>
	<u>(49.7) Unless subsection (49.8) applies, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), the Tribunal may make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan, if the Tribunal determines that the decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan.</u>
	<u>Same, revised plan with consent of parties</u>

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	<u>(49.8) If, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan.</u>
	<u>Same</u>
	<u>(49.9) If subsection (49.8) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan, the Tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan.</u>
	<u>Coming into effect of plan</u>
	<u>(49.10) If the Tribunal approves all or part of a revised plan as an official plan or part of an official plan under subsection (49.4) or (49.8), the plan or part of the plan that is approved comes into effect as an official plan or part of an official plan on the day after the day the plan or part of the plan was approved.</u>
	<u>Specified parties</u>
	<u>(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are:</u> <u>1. The municipality that adopted the plan.</u> <u>2. The appropriate approval authority, if the approval authority is a party.</u> <u>3. The Minister, if the Minister is a party.</u> <u>4. If applicable, the person or public body that requested an amendment to the official plan.</u> <u>5. All appellants of the decision which was the subject of the appeal.</u>
	<u>Effect on original plan</u>
	<u>(49.12) If subsection (49.4) or (49.8) applies, the version of the plan that was the subject of the notice of appeal shall be deemed to have been refused.</u>
Powers of O.M.B.	Powers of O.M.B. L.P.A.T.

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(50) On an appeal or a transfer, the Municipal Board 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.	(50) On an appeal <u>under subsection (40)</u> or a transfer, the Municipal Board <u>Tribunal</u> 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.
Same	Same
(50.1) For greater certainty, subsection (50) does not give the Municipal Board power to approve or modify any part of the plan that,	(50.1) For greater certainty, subsections <u>(49.7), (49.9) and (50)</u> does not give the Municipal Board <u>Tribunal</u> power to approve or modify any part of the plan that,
(a) is in effect; and	(a) is in effect; and
(b) was not dealt with in the decision of council to which the notice of appeal relates.	(b) was not dealt with in the decision of council <u>added, amended or revoked by the plan</u> to which the notice of appeal relates.
Matters of provincial interest	Matters of provincial interest
(51) Where an appeal is made to the Municipal Board 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 Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,	(51) Where an appeal is made to the Municipal Board <u>Tribunal</u> 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 Board <u>Tribunal</u> in writing not later than 30 days before <u>after</u> the day fixed by the Board for the hearing of the appeal <u>the Tribunal gives notice under subsection (44)</u> 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	(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.	(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected.
No hearing or notice required	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).	(52) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (51).
Confirmation by L.G. in C.	Confirmation by L.G. in C. <u>Applicable rules if notice under subs. (51) received</u>
(53) If the Municipal Board has received notice from the Minister under subsection (51), the decision of the Board is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the provisions.	<u>1. Subsections (49.1) to (50) do not apply to the appeal.</u>
	<u>2. The Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan.</u>
	<u>3. ¶The decision of the Board <u>Tribunal</u> is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the</u>

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	decision in respect of the provisions.
Action of L.G. in C.	Action of L.G. in C.
(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the Municipal Board 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.	(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the Municipal Board 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.
[Sections 17.1 - 20]	[No Bill 139 amendments to Sections 17.1 - 20]
Amendment or repeal of plan	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	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
Exception	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.	(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.
	Exception (3) Subsection 17 (36.5) applies to an amendment only if it is a revision that is adopted in accordance with section 26.
Request for amendment	Request for amendment
22. (1) If a person or public body requests a council to amend its official plan, the council shall,	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	(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.	(b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan.
Request to planning board	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,	(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	(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	(b) hold a public meeting under subsection 17 (15) or comply

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with the alternative measures set out in the official plan.	with the alternative measures set out in the official plan.
Two-year period, no request for amendment	Two-year period, no request for amendment
(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect.	(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect.
	<u>Same, secondary plans</u>
	<u>(2.1.1) No person or public body shall request an amendment to a secondary plan before the second anniversary of the first day any part of the secondary plan comes into effect.</u>
	<u>Interpretation, secondary plan</u>
	<u>(2.1.2) For the purpose of subsection (2.1.1), a secondary plan is a part of an official plan, added by way of an amendment, that contains policies and land use designations that apply to multiple contiguous parcels of land, but not an entire municipality, and that provides more detailed land use policy direction in respect of those parcels than was provided before the amendment.</u>
	<u>No request for amendment re protected major transit station area policies</u>
	<u>(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.</u>
Exception	Exception
(2.2) Subsection (2.1) does not apply in respect of a request if the council has declared by resolution that such a request is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally.	(2.2) Subsection (2.1) does not apply in respect of a request if If the council has declared by resolution that such a request <u>described in subsection (2.1), (2.1.1) or (2.1.3)</u> is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally, <u>the relevant subsection does not apply.</u>
No open house or public meeting	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.	(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.
Consultation	Consultation
(3.1) The council or planning board,	(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	(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	(b) may, by by-law, require applicants to consult with the

<i>Planning Act</i>	<i>Planning Act with Bill 139 Amendments</i>
municipality or planning board as described in clause (a).	municipality or planning board as described in clause (a).
Prescribed information	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.	(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.
Other information	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.	(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.
Refusal and timing	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,	(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	(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.	(b) the time periods referred to in paragraphs 1 and 2 of subsection (7.0.2) do not begin.
Response re completeness of request	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.	(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.
Motion re dispute	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 Municipal Board determine,	(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 Municipal Board Tribunal determine,
(a) whether the information and material have in fact been provided; or	(a) whether the information and material have in fact been provided; or
(b) whether a requirement made under subsection (5) is reasonable.	(b) whether a requirement made under subsection (5) is reasonable.
Same	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.	(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.

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Notice of particulars and public access	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 Municipal Board 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,	(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 Municipal Board <u>Tribunal</u> 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	(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.	(b) make the information and material provided under subsections (4) and (5) available to the public.
Final determination	Final determination
(6.5) The Municipal Board's determination under subsection (6.2) is not subject to appeal or review.	(6.5) The Municipal Board <u>Tribunal</u> 's determination under subsection (6.2) is not subject to appeal or review.
Notice of refusal	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,	(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;	(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;	(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	(c) to the appropriate approval authority; and
(d) to any prescribed person or public body.	(d) to any prescribed person or public body.
Contents	Contents
(6.7) The notice under subsection (6.6) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written and oral submissions	Written and oral submissions
(6.8) Clause (6.7) (a) applies to,	(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	(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.	(b) any oral submissions relating to the request that were made at a public meeting.
Appeal to O.M.B.	Appeal to O.M.B. <u>L.P.A.T.</u>
(7) When a person or public body requests an amendment to the official plan of a municipality or planning board, any of	(7) When a person or public body requests an amendment to the official plan of a municipality or planning board, any of

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the following may appeal to the Municipal Board 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:	the following may appeal to the Municipal Board <u>Tribunal</u> 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.	1. The person or public body that requested the amendment.
2. The Minister.	2. The Minister.
3. The appropriate approval authority.	3. The appropriate approval authority.
	<u>Basis for appeal</u>
	<u>(7.0.0.1) An appeal under subsection (7) may only be made on the basis that,</u>
	<u>(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and</u>
	<u>(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.</u>
	<u>Exception</u>
	<u>(7.0.0.2) Subsection (7.0.0.1) and clauses (8) (a.1) and (a.2) do not apply to an appeal under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6).</u>
<i>Consolidated Hearings Act</i>	<i>Consolidated Hearings Act</i>
(7.0.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an amendment requested under subsection (1) or (2) unless,	(7.0.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an amendment requested under subsection (1) or (2) unless,
(a) one of the conditions set out in subsection (7.0.2) is met;	(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);	(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	(c) the approval authority makes a decision under subsection 17 (34); or
(d) the time period referred to in subsection 17 (40) has	(d) the time period referred to in subsection 17 (40) has

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expired.	expired.
Conditions	Conditions
(7.0.2) The conditions referred to in subsections (7) and (7.0.1) are:	(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 180 days after the day the request is received.	1. The council or the planning board fails to adopt the requested amendment within 180 <u>210</u> 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 180 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 180 <u>210</u> 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.	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).	4. A planning board refuses to approve a requested amendment under subsection 18 (1).
	Same
	<u>(7.0.2.1) For greater certainty, a condition set out in subsection (7.0.2) is not met if the council or the planning board adopts an amendment in response to a request under subsection (1) or (2), even if the amendment that is adopted differs from the requested amendment.</u>
Time for appeal	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.	(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.
When giving of notice deemed completed	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,	(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;	(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;	(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	(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.	(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.
Appeals restricted re certain amendments	Appeals restricted re certain amendments
(7.1) Despite subsection (7) and subsections 17 (36) and (40), there is no appeal in respect of,	(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	(a) a refusal or failure to adopt an amendment described in

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subsection (7.2); or	subsection (7.2); or
(b) a refusal or failure to approve an amendment described in subsection (7.2).	(b) a refusal or failure to approve an amendment described in subsection (7.2).
Application of subs. (7.1)	Application of subs. (7.1)
(7.2) Subsection (7.1) applies in respect of amendments requested under subsection (1) or (2) that propose to,	(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;	(a) alter all or any part of the boundary of an area of settlement in a municipality;
(b) establish a new area of settlement in a municipality; or	(b) establish a new area of settlement in a municipality; or
(c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.	(c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.
Same	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.	(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.
Exception	Exception
(7.4) Despite subsection (7.1), a person or public body may appeal to the Municipal Board in respect of all or any part of a requested amendment described in clause (7.2) (a) or (b) if the requested amendment,	(7.4) Despite subsection (7.1), a person or public body may appeal to the Municipal Board <u>Tribunal</u> 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	(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.	(b) conforms with the official plan of the upper-tier municipality.
Contents	Contents
(8) A notice of appeal under subsection (7) shall,	(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) 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
	<u>(a.1) explain how the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan;</u>
	<u>(a.2) explain how the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and,</u>

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	<u>in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan; and</u>
(b) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> .	(b) be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>.</u>
Use of dispute resolution techniques	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.	(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.
Notice and invitation	Notice and invitation
(8.2) If the council or planning board decides to act under subsection (8.1),	(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	(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,	(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,	(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,	(ii) the person or public body that made the request to amend the plan,
(iii) the Minister,	(iii) the Minister,
(iv) the appropriate approval authority, and	(iv) the appropriate approval authority, and
(v) any other persons or public bodies that the council or planning board considers appropriate.	(v) any other persons or public bodies that the council or planning board considers appropriate.
Extension of time	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.	(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.
Participation voluntary	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.	(8.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (8.2) (b) is voluntary.
Record and forwarding material	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,	(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;	(a) a record is compiled which includes the prescribed information and material;

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(b) the notice of appeal, the record and the fee are forwarded to the Municipal Board,	(b) the notice of appeal, the record and the fee are forwarded to the Municipal Board <u>Tribunal</u> ,
(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,	(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;	(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,	(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,	(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	(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 Municipal Board may require in respect of the appeal is forwarded to the Board.	(d) such other information or material as the Municipal Board <u>Tribunal</u> may require in respect of the appeal is forwarded to the Board <u>Tribunal</u> .
Exception	Exception
(9.1) Clauses (9) (b) and (d) do not apply,	(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;	(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.	(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.
Same	Same
(9.1.1) Clause (9) (c) does not apply,	(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;	(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;	(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.	(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.

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Appeals withdrawn, amendment	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.	(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.
Decision final	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.	(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.
Other information	Other information
(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Municipal Board the prescribed information or material and such other information as the Board may require.	(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Municipal Board Tribunal the prescribed information or material and such other information as the Board Tribunal may require.
Application	Application Hearing
(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).	(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). <u>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.</u>
	Restriction re adding parties
	<u>(11.0.1) Despite subsection (11), in the case of an appeal under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2), only the following may be added as parties:</u>
	<u>1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2).</u>
	<u>2. The Minister.</u>
	<u>3. The appropriate approval authority.</u>
	Same
	<u>(11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are:</u>

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	<u>1. Before the requested amendment was refused, the person or public body made oral submissions at a public meeting or written submissions to the council or planning board.</u>
	<u>2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.</u>
	<u>Conflict with SPPA</u>
	<u>(11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the <i>Statutory Powers Procedure Act</i>.</u>
	<u>Dismissal without hearing</u>
	<u>(11.0.4) Despite the <i>Statutory Powers Procedure Act</i> and subsection (11), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:</u>
	<u>1. The Tribunal is of the opinion that the explanations required by clauses (8) (a.1) and (a.2) do not disclose both of the following:</u>
	<u>i. That the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan.</u>
	<u>ii. That the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.</u>
	<u>2. The Tribunal is of the opinion that,</u>
	<u>i. the appeal is not made in good faith or is frivolous or vexatious,</u>
	<u>ii. the appeal is made only for the purpose of delay, or</u>
	<u>iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</u>
	<u>3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2).</u>
	<u>4. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.</u>

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	<u>5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.</u>
	<u>Same</u>
	<u>(11.0.5) Despite the <i>Statutory Powers Procedure Act</i> and subsection (11), the Tribunal may, on its own initiative or on the motion of the municipality, the planning board, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council or the planning board at the time of its decision.</u>
	<u>Representation</u>
	<u>(11.0.6) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 4 or 5 of subsection (11.0.4).</u>
	<u>Dismissal</u>
	<u>(11.0.7) Despite the <i>Statutory Powers Procedure Act</i>, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (11.0.4) or (11.0.5), as it considers appropriate.</u>
	<u>Powers of L.P.A.T. – appeals under subs. (7)</u>
	<u>(11.0.8) Subject to subsections (11.0.9) to (11.0.17), after holding a hearing on an appeal under subsection (7), the Tribunal shall dismiss the appeal.</u>
	<u>Notice re opportunity to make new decision</u>
	<u>(11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,</u>
	<u>(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and</u>
	<u>(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or</u>

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	<u>does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality’s official plan.</u>
	<u>Revised amendment with consent of parties</u> <u>(11.0.10) Unless subsection (11.0.16) applies, if a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan.</u>
	<u>Same, notice to make new decision</u> <u>(11.0.11) If subsection (11.0.10) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan, the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter.</u>
	<u>Rules that apply if notice received</u>
	<u>(11.0.12) If the clerk or secretary-treasurer has received notice under subsection (11.0.9) or (11.0.11), the following rules apply:</u>
	<u>1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:</u>
	<u>i. Subsections 17 (16) and (17.1) do not apply.</u>
	<u>ii. If the amendment is not exempt from approval,</u>
	<u>A. the reference to “within 210 days” in subsection 17 (40) shall be read as “within 90 days”,</u>
	<u>B. subsection 17 (40.1) does not apply,</u>
	<u>2. The references to “within 210 days after the day the request is received” in paragraphs 1 and 2 of subsection (7.0.2) shall be read as “within 90 days after the day notice under subsection (11.0.9) or (11.0.11) was received”.</u>
	<u>Second appeal</u>

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	<u>(11.0.13) Subsections (11.0.14) to (11.0.16) apply with respect to an appeal under subsection (7) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6).</u>
	Same
	<u>(11.0.14) In the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), the Tribunal may approve all or part of the requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment.</u>
	Same
	<u>(11.0.15) Unless subsection (11.0.16) applies, in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment, if the Tribunal determines that,</u>
	<u>(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and</u>
	<u>(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.</u>
	Same, revised amendment with consent of parties
	<u>(11.0.16) If, on an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.</u>

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	<p><u>Same, revised amendment with consent of parties</u> <u>(11.0.17) If subsection (11.0.16) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality’s official plan, the Tribunal may make modifications to that part of the revised amendment and approve it as modified as part of an official plan amendment or refuse to approve all or part of that part of the revised amendment.</u></p>
	<p><u>Same</u> <u>(11.0.18) If the Tribunal approves all or part of a revised amendment as an official plan amendment or part of an official plan amendment under subsection (11.0.10) or (11.0.16), the amendment or part of the amendment that is approved comes into effect as an official plan amendment or part of an official plan amendment on the day after the day the amendment or part of the amendment was approved.</u></p>
	<p><u>Specified parties</u> <u>(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:</u></p> <ol style="list-style-type: none"> <u>1. The municipality or planning board that received the request for an official plan amendment.</u> <u>2. The appropriate approval authority, if the approval authority is a party.</u> <u>3. The Minister, if the Minister is a party.</u> <u>4. The person or public body that requested an amendment to the official plan.</u>
<p>Matters of provincial interest (11.1) Where an appeal is made to the Municipal Board 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 Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,</p>	<p>Matters of provincial interest (11.1) Where an appeal is made to the Municipal Board 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 Board Tribunal in writing not later than 30 days before after the day fixed by the Board for the hearing of the appeal the Tribunal gives notice under subsection (11) and the Minister shall identify,</p>
<p>(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</p>	<p>(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</p>
<p>(b) the general basis for the opinion that a matter of</p>	<p>(b) the general basis for the opinion that a matter of</p>

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provincial interest is, or is likely to be, adversely affected.	provincial interest is, or is likely to be, adversely affected.
No hearing or notice required	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).	(11.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (11.1).
Confirmation by L.G. in C.	Confirmation by L.G. in C. <u>Applicable rules if notice under subs. (11.1) received</u>
(11.3) If the Municipal Board has received notice from the Minister under subsection (11.1), the decision of the Board is not final and binding in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.	(11.3) If the Municipal Board <u>Tribunal</u> has received a notice from the Minister under subsection (11.1), the <u>following rules apply:</u>
	<u>1. Subsections (11.0.8) to (11.0.19) do not apply to the appeal.</u>
	<u>2. The Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment.</u>
	<u>3. The decision of the Board <u>Tribunal</u> is not final and binding in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.</u>
Action of L.G. in C.	Action of L.G. in C.
(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board 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.	(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board <u>Tribunal</u> 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.
Withdrawal of appeal	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 Municipal Board without holding a hearing or are withdrawn, the secretary of the Board 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.	(12) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) are dismissed by the Municipal Board <u>Tribunal</u> without holding a hearing or are withdrawn, the secretary of the Board <u>Tribunal</u> 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.
Same	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 Municipal Board without holding a hearing or are withdrawn, the secretary of the Board 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	(13) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) are dismissed by the Municipal Board <u>Tribunal</u> without holding a hearing or are withdrawn, the secretary of the Board <u>Tribunal</u> shall notify the council or the planning board and the decision of the council or the planning board is final on

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outstanding appeal has been withdrawn or dismissed.	the day that the last outstanding appeal has been withdrawn or dismissed.
<i>[Sections 22.1 - 27]</i>	<i>[No Bill 139 amendments to Sections 22.1 - 27, except striking out “the Municipal Board” and the “Board” wherever it appears and substituting in each case “the Tribunal”]</i>
PART IV COMMUNITY IMPROVEMENT	PART IV COMMUNITY IMPROVEMENT
Community improvement project area	Community improvement project area
28. (1) In this section,	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” 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 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”)	“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”)
Affordable housing	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.	(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.
Designation of community improvement project area	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.	(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.
Acquisition and clearance of land	Acquisition and clearance of land
(3) When a by-law has been passed under subsection (2), the municipality may,	(3) When a by-law has been passed under subsection (2), the municipality may,
(a) acquire land within the community improvement project	(a) acquire land within the community improvement project

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area;	area;
(b) hold land acquired before or after the passing of the by-law within the community improvement project area; and	(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.	(c) clear, grade or otherwise prepare the land for community improvement.
Community improvement plan	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).	(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).
Restriction re upper-tier municipality	Restriction re upper-tier municipality
(4.0.1) The community improvement plan of an upper-tier municipality may deal only with prescribed matters.	(4.0.1) The community improvement plan of an upper-tier municipality may deal only with prescribed matters.
(4.1)-(4.4) Repealed: 2006, c. 32, Sched. C, s. 47 (1).	(4.1)-(4.4) Repealed: 2006, c. 32, Sched. C, s. 47 (1).
Same	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.	(5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49), (50) and to (50.1), <u>as they read on the day before section 9 of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force</u> , apply, with necessary modifications, in respect of a community improvement plan and any amendments to it.
Same	Same
(5.1) The Minister is deemed to be the approval authority for the purpose of subsection (5).	(5.1) The Minister is deemed to be the approval authority for the purpose of subsection (5).
Same	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.	(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.
Powers of council re land	Powers of council re land
(6) For the purpose of carrying out a community improvement plan that has come into effect, the municipality may,	(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;	(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	(b) sell, lease or otherwise dispose of any land acquired or

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held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.	held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.
Grants or loans re eligible costs	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.	(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.
Eligible costs	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.	(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.
Grants or loans between upper and lower-tier municipalities	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.	(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.
Maximum amount	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 <i>Municipal Act, 2001</i> or section 333 of the <i>City of Toronto Act, 2006</i> , 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.	(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 <i>Municipal Act, 2001</i> or section 333 of the <i>City of Toronto Act, 2006</i> , 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.
(8) Repealed: 2006, c. 32, Sched. C, s. 47 (3).	(8) Repealed: 2006, c. 32, Sched. C, s. 47 (3).
Application of s. 32 (2, 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	(9) Subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this

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section.	section.
Conditions of sale, etc.	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.	(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.
Registration of agreement	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 <i>Registry Act</i> and the <i>Land Titles Act</i> , against any and all subsequent owners or tenants of the land.	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , against any and all subsequent owners or tenants of the land.
Debentures	Debentures
(12) Despite subsection 408 (3) of the <i>Municipal Act, 2001</i> or any regulation under section 256 of the <i>City of Toronto Act, 2006</i> , 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 Municipal Board, provides.	(12) Despite subsection 408 (3) of the <i>Municipal Act, 2001</i> or any regulation under section 256 of the <i>City of Toronto Act, 2006</i> , 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 Municipal Board Tribunal , provides.
Dissolution of area	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.	(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.
[Sections 29 - 33]	[No Bill 139 amendments to Sections 29 - 33, except striking out “the Municipal Board” and the “Board” wherever it appears and substituting in each case “the Tribunal”]

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PART V LAND USE CONTROLS AND RELATED ADMINISTRATION	PART V LAND USE CONTROLS AND RELATED ADMINISTRATION
Zoning by-laws	Zoning by-laws
34. (1) Zoning by-laws may be passed by the councils of local municipalities:	34. (1) Zoning by-laws may be passed by the councils of local municipalities:
Restricting use of land	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.	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	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.	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.	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.	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	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,	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,	i. that is contaminated,
ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or	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 <i>Clean Water Act, 2006</i> .	iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the <i>Clean Water Act, 2006</i> .
Natural features and areas	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,	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,	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	ii. that is a significant corridor or shoreline of a lake, river or stream, or

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iii. that is a significant natural corridor, feature or area.	iii. that is a significant natural corridor, feature or area.
Significant archaeological resources	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.	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	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.	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.	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.	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	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.	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.
Pits and quarries	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).	(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).
Area, density and height	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.	(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.
City of Toronto	City of Toronto
(3.1) Subsection (3) does not apply with respect to the City of Toronto.	(3.1) Subsection (3) does not apply with respect to the City of Toronto.
Interpretation	Interpretation
(4) A trailer as defined in subsection 164 (4) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , as the case may be, and a mobile home as	(4) A trailer as defined in subsection 164 (4) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , as the case may be, and a mobile home as

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defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section.	defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section.
Prohibition of use of land, etc., availability of municipal services	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.	(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.
Loading or parking facilities – by-law provisions	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.	(5.1) A by-law passed under paragraph 6 of subsection (1) shall include the prescribed provisions and provisions about the prescribed matters.
Certificates of occupancy	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.	(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.
Use of maps	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.	(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.
Acquisition and disposition of non-conforming lands	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.	(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.
Excepted lands and buildings	Excepted lands and buildings
(9) No by-law passed under this section applies,	(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	(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	(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit

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has been issued under subsection 8 (1) of the <i>Building Code Act, 1992</i> , 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.	has been issued under subsection 8 (1) of the <i>Building Code Act, 1992</i> , 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.
By-law may be amended	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.	(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.
Consultation	Consultation
(10.0.1) The council,	(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	(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).	(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).
Two-year period, no application for amendment	Two-year period, no application for amendment
(10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them.	(10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them.
Exception	Exception
(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.	(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.
Prescribed information	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.	(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.
Other information	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	(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

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need, but only if the official plan contains provisions relating to requirements under this subsection.	need, but only if the official plan contains provisions relating to requirements under this subsection.
Refusal and timing	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,	(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	(a) the council may refuse to accept or further consider the application for an amendment to the by-law; and
(b) the time period referred to in subsection (11) does not begin.	(b) the time period referred to in subsection (11) does not begin.
Response re completeness of application	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.	(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.
Motion re dispute	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 Municipal Board determine,	(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 Municipal Board <u>Tribunal</u> determine,
(a) whether the information and material have in fact been provided; or	(a) whether the information and material have in fact been provided; or
(b) whether a requirement made under subsection (10.2) is reasonable.	(b) whether a requirement made under subsection (10.2) is reasonable.
Same	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.	(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.
Notice of particulars and public access	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 Municipal Board advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall,	(10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Municipal Board <u>Tribunal</u> 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	(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	(b) make the information and material provided under

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subsections (10.1) and (10.2) available to the public.	subsections (10.1) and (10.2) available to the public.
Final determination	Final determination
(10.8) The Municipal Board's determination under subsection (10.5) is not subject to appeal or review.	(10.8) The Municipal Board <u>Tribunal</u> 's determination under subsection (10.5) is not subject to appeal or review.
Notice of refusal	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,	(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;	(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	(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.	(c) to any prescribed person or public body.
Contents	Contents
(10.10) The notice under subsection (10.9) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written and oral submissions	Written and oral submissions
(10.11) Clause (10.10) (a) applies to,	(10.11) Clause (10.10) (a) applies to,
(a) any written submissions relating to the request that were made to the council before its decision; and	(a) any written submissions relating to the request that were made to the council before its decision; and
(b) any oral submissions relating to the request that were made at a public meeting.	(b) any oral submissions relating to the request that were made at a public meeting.
Appeal to O.M.B.	Appeal to O.M.B.
(11) 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 refuses or neglects to make a decision on it within 120 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal, accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> :	(11) Subject to subsection (11.0.0.1), W 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 refuses or neglects/fails to make a decision on it within 120-150 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board <u>Tribunal</u> by filing with the clerk of the municipality a notice of appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act <u>charged under the Local Planning Appeal Tribunal Act, 2017</u> :
1. The applicant.	1. The applicant.
2. The Minister.	2. The Minister.
	Same, where amendment to official plan required
	(11.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an

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	<u>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 210 days after the receipt by the clerk of the application.</u>
	<u>Basis for appeal</u> <u>(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,</u>
	<u>(a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and</u>
	<u>(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</u>
	<u>Same</u> <u>(11.0.0.0.3) For greater certainty, council does not refuse an application for an amendment to a by-law passed under this section or a predecessor of this section or fail to make a decision on the application if it amends the by-law in response to the application, even if the amendment that is passed differs from the amendment that is the subject of the application.</u>
	<u>Notice of Appeal</u> <u>(11.0.0.0.4) A notice of appeal under subsection (11) shall,</u>
	<u>(a) explain how the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and</u>
	<u>(b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</u>
	<u>Exception</u> <u>(11.0.0.0.5) Subsections (11.0.0.0.2) and (11.0.0.0.4) do not apply to an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a</u>

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	<u>new decision in accordance with subsection (26.3).</u>
Use of dispute resolution techniques	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.	(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.
Notice and invitation	Notice and invitation
(11.0.0.2) If the council decides to act under subsection (11.0.0.1),	(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	(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,	(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,	(i) as many of the appellants as the council considers appropriate,
(ii) the applicant, if the applicant is not an appellant, and	(ii) the applicant, if the applicant is not an appellant, and
(iii) any other persons or public bodies that the council considers appropriate.	(iii) any other persons or public bodies that the council considers appropriate.
Extension of time	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 clauses (23) (b) is extended to 75 days.	(11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clauses (23) (b) is extended to 75 days.
Participation voluntary	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.	(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.
Consolidated Hearings Act	Consolidated Hearings Act
(11.0.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired.	(11.0.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired.
Appeal to O.M.B.	Appeal to O.M.B. [Powers of the Tribunal for appeal under subsection (11) moved to (26), (26.1)]
(11.0.2) The Municipal Board shall hear the appeal under subsection (11) and shall,	(11.0.2) The Municipal Board shall hear the appeal under subsection (11) and shall,
(a) dismiss it;	(a) dismiss it;
(b) amend the by-law in such manner as the Board may	(b) amend the by-law in such manner as the Board may

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determine; or	determine; or
(c) direct that the by-law be amended in accordance with the Board's order.	(c) direct that the by-law be amended in accordance with the Board's order.
Time for filing certain appeals	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.	(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.
Appeals restricted re certain amendments	Appeals restricted re certain amendments
(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,	(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	(a) an alteration to all or any part of the boundary of an area of settlement; or
(b) a new area of settlement.	(b) a new area of settlement.
Same	Same
(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.	(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.
Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (2))	Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (2))
No appeal re inclusionary zoning policies	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).	(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).
Withdrawal of appeal	Withdrawal of appeal
(11.1) If all appeals under subsection (11) are withdrawn, the secretary of the Municipal Board 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.	(11.1) If all appeals under subsection (11) are withdrawn, the secretary of the Municipal Board 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.
Information and public meeting; open house in certain circumstances	Information and public meeting; open house in certain circumstances
(12) Before passing a by-law under this section, except a by-	(12) Before passing a by-law under this section, except a by-

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law passed pursuant to an order of the Municipal Board made under subsection (11.0.2) or (26),	law passed pursuant to an order of the Municipal Board Tribunal made under subsection (11.0.2) or (26),
(a) the council shall ensure that,	(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	(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	(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).	(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).
Notice	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),	(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	(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and
(b) shall be accompanied by the prescribed information.	(b) shall be accompanied by the prescribed information.
Timing of open house	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.	(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.
Timing of public meeting	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.	(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.
Participation in public meeting	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.	(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.
Alternative procedure	Alternative procedure
(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.	(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.

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Same	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).	(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).
Transition	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.	(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.
Information	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).	(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).
Where alternative procedures followed	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.	(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.
Information to public bodies	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.	(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.
Conditions	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.	(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.
Same	Same
(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed.	(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed.
Same	Same
(16.2) When a prescribed condition is imposed under	(16.2) When a prescribed condition is imposed under

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subsection (16),	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;	(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	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.	(c) the municipality may enforce the agreement against the owner and, subject to the <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.
City of Toronto	City of Toronto
(16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto.	(16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto.
Further notice	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.	(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.
Notice of passing of by-law	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 Municipal Board 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,	(18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board <u>Tribunal</u> 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;	(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	(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.	(c) to any prescribed person or public body.
Contents	Contents
(18.1) The notice under subsection (18) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written and oral submissions	Written and oral submissions
(18.2) Clause (18.1) (a) applies to,	(18.2) Clause (18.1) (a) applies to,

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(a) any written submissions relating to the by-law that were made to the council before its decision; and	(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.	(b) any oral submissions relating to the by-law that were made at a public meeting.
Appeal to O.M.B.	Appeal to O.M.B.L.P.A.T
(19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Municipal Board 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 prescribed under the <i>Ontario Municipal Board Act</i> :	(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 Municipal Board 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 prescribed charged under the <i>Ontario Municipal Board Act</i> <i>Local Planning Appeal Tribunal Act, 2017</i> :
1. The applicant.	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.	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.	3. The Minister.
Same	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.	(19.0.1) If the appellant intends to argue An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document.
	Notice of Appeal
	(19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.
No appeal re second unit policies	No appeal re second unit policies
(19.1) Despite subsection (19), there is no appeal in respect of a by-law that gives effect to the policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard in such a by-law.	(19.1) Despite subsection (19), there is no appeal in respect of a by-law that gives effect to the policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard in such a by-law.
Exception re Minister	Exception re Minister
(19.2) Subsection (19.1) does not apply to an appeal by the Minister.	(19.2) Subsection (19.1) does not apply to an appeal by the Minister.
Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4,	Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4,

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s. 3 (4) No appeal re inclusionary zoning policies	s. 3 (4) 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.	(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.
Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (5)) Matters referred to in s. 34 (1)	Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (5)) 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 34 (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).	(19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection 34(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).
Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (4)) Exception re Minister	Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (4)) 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).	(19.4) Subsection (19.3) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (4).
	<u>No appeal re protected major transit station area – permitted uses, etc.</u>
	<u>(19.5) Despite subsections (19) and (19.3.1), and subject to subsections (19.6) to (19.8), there is no appeal in respect of,</u>
	<u>(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</u>
	<u>(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).</u>
	<u>Same, by-law of a lower-tier municipality</u>
	<u>(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.</u>
	<u>Exception</u>
	<u>(19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted with respect to a</u>

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	<u>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.</u>
	<u>Exception re Minister</u>
	<u>(19.8) Subsection (19.5) does not apply to an appeal by the Minister.</u>
When giving of notice deemed completed	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,	(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) 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;	(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;	(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	(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.	(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.
Use of dispute resolution techniques	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.	(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.
Notice and invitation	Notice and invitation
(20.2) If the council decides to act under subsection (20.1),	(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	(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,	(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,	(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	(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.	(iii) any other persons or public bodies that the council considers appropriate.
Extension of time	Extension of time
(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clauses (23) (b) and	(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clauses (23) (b) and

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subsections (23.2) and (23.3) is extended to 75 days.	subsections (23.2) and (23.3) is extended to 75 days.
Participation voluntary	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.	(20.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (20.2) (b) is voluntary.
When by-law deemed to have come into force	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.	(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.
Affidavit re no appeal, etc.	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.	(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.
Record	Record
(23) The clerk of a municipality who receives a notice of appeal under subsection (11) or (19) shall ensure that,	(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;	(a) a record that includes the prescribed information and material is compiled;
(b) the notice of appeal, record and fee are forwarded to the Municipal Board, (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; and (ii) within 15 days after a notice of appeal is filed under subsection (11) with respect to refusal or neglect to make a decision; and	(b) the notice of appeal, record and fee are forwarded to the Municipal Board <u>Tribunal</u> , (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; and (ii) within 15 days after a notice of appeal is filed under subsection (11) with respect to refusal or neglect <u>the failure</u> to make a decision; and
(c) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board.	(c) such other information or material as the Municipal Board <u>Tribunal</u> may require in respect of the appeal is forwarded to the Board <u>Tribunal</u> .
Withdrawal of appeals	Withdrawal of appeals
(23.1) If all appeals to the Municipal Board under subsection (19) are withdrawn and the time for appealing has expired, the secretary of the Board shall notify the clerk of the municipality and the decision of the council is final and binding.	(23.1) If all appeals to the Municipal Board <u>Tribunal</u> under subsection (19) are withdrawn and the time for appealing has expired, the secretary of the Board <u>Tribunal</u> shall notify the clerk of the municipality and the decision of the council is final and binding.
Exception	Exception
(23.2) Despite clause (23) (b), if all appeals under subsection	(23.2) Despite clause (23) (b), if all appeals under subsection

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(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 Municipal Board.	(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 Municipal Board <u>Tribunal</u> .
Decision final	Decision final
(23.3) If all appeals to the Municipal Board 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.	(23.3) If all appeals to the Municipal Board <u>Tribunal</u> 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.
Hearing and notice thereof	Hearing and notice thereof
(24) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.	(24) On an appeal to the Municipal Board <u>Tribunal</u> , the Board <u>Tribunal</u> shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board <u>Tribunal</u> may determine.
Restriction re adding parties	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:	(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).	1. A person or public body who satisfies one of the conditions set out in subsection (24.2).
2. The Minister.	2. The Minister.
Same	Same
(24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are:	(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.	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 Municipal Board is of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Municipal Board <u>Tribunal</u> is of the opinion that there are reasonable grounds to add the person or public body as a party.
New information and material at hearing	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.	(24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal.
Same	Same
(24.4) When subsection (24.3) applies, the Municipal Board 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	(24.4) When subsection (24.3) applies, the Municipal Board 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

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the Board 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.	the Board determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed.
Notice to council	Notice to council
(24.5) The Municipal Board shall notify the council that it is being given an opportunity to,	(24.5) The Municipal Board shall notify the council that it is being given an opportunity to,
(a) reconsider its decision in light of the information and material; and	(a) reconsider its decision in light of the information and material; and
(b) make a written recommendation to the Board.	(b) make a written recommendation to the Board.
Council's recommendation	Council's recommendation
(24.6) The Municipal Board shall have regard to the council's recommendation if it is received within the time period mentioned in subsection (24.4), and may but is not required to do so if it is received afterwards.	(24.6) The Municipal Board shall have regard to the council's recommendation if it is received within the time period mentioned in subsection (24.4), and may but is not required to do so if it is received afterwards.
Conflict with SPPA	Conflict with SPPA
(24.7) Subsections (24.1) to (24.6) apply despite the <i>Statutory Powers Procedure Act</i> .	(24.7) Subsections (24.1) to and (24.6) <u>(24.2)</u> apply despite the <i>Statutory Powers Procedure Act</i> .
Dismissal without hearing	Dismissal without hearing
(25) Despite the <i>Statutory Powers Procedure Act</i> and subsections (11.0.2) and (24), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if,	(25) Despite the <i>Statutory Powers Procedure Act</i> and subsections (11.0.2) and (24), the Municipal Board <u>Tribunal</u> may <u>shall</u> dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if <u>any of the following apply,</u>
(a) it is of the opinion that,	(a) 1. The Tribunal is of the opinion that <u>the explanations required by subsection (11.0.0.4) do not disclose both of the following:-</u>
(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,	(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
	<u>i. That the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan.</u>
	<u>ii. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</u>
	<u>2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by-law is inconsistent with a policy statement issued under</u>

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	<u>subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</u>
	<u>3. The Tribunal is of the opinion that,</u>
(ii) the appeal is not made in good faith or is frivolous or vexatious,	(ii) <u>(i)</u> 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	(iii) <u>(ii)</u> the appeal is made only for the purpose of delay, or
(iv) the appellant has persistently and without reasonable grounds commenced before the Board proceedings that constitute an abuse of process;	(iv) <u>(iii)</u> the appellant has persistently and without reasonable grounds commenced before the Board <u>Tribunal</u> proceedings that constitute an abuse of process;
(a.1) Repealed: 2006, c. 23, s. 15 (15).	(a.1) Repealed: 2006, c. 23, s. 15 (15).
(b) the appellant has not provided written reasons for the appeal;	(b) the appellant has not provided written reasons for the appeal;
(b.1) the appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection;	(b.1) <u>4.</u> The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection <u>(11.0.0.4) or (19.0.2), as applicable;</u>
(c) the appellant has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> ; or	(c) <u>5.</u> The appellant has not paid the fee prescribed <u>charged</u> under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal Act, 2017</u> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal. ; or
(d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.	(d) <u>6.</u> The appellant has not responded to a request by the Municipal Board <u>Tribunal</u> for further information within the time specified by the Board <u>Tribunal</u> .
Representation	Representation
(25.1) Before dismissing all or part of an appeal, the Municipal Board 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 (25) (d).	(25.1) Before dismissing all or part of an appeal, the Municipal Board <u>Tribunal</u> 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 <u>paragraph 5 or 6 of subsection (25)</u> (d) .
Same	Same
(25.1.1) Despite the <i>Statutory Powers Procedure Act</i> and subsections (11.0.2) and (24), the Municipal Board 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 Board'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.	(25.1.1) Despite the <i>Statutory Powers Procedure Act</i> and subsections (11.0.2) and (24), the Municipal Board <u>Tribunal</u> 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 Board's <u>Tribunal's</u> opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision.

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Dismissal	Dismissal
(25.2) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board 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.	(25.2) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board <u>Tribunal</u> 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.
Powers of O.M.B.	Powers of O.M.B.<u>L.P.A.T</u>
(26) The Municipal Board may, (a) dismiss the appeal; or	(26) The Municipal Board may, <u>Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall</u> (a) dismiss the appeal. ; or
(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.	(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.
	<u>Notice re opportunity to make new decision – appeal under subs. (11)</u>
	<u>(26.1) On an appeal under subsection (11) and except as provided in subsections (26.4) and (26.5), the Tribunal shall notify the clerk of the municipality that received the application that the municipality is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,</u>
	<u>(a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and</u>
	<u>(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</u>
	<u>Same – appeal under subs. (19)</u>
	<u>(26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by-law to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan,</u>
	<u>(a) the Tribunal shall repeal that part of the by-law; and</u>

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	<u>(b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter.</u>
	<u>Powers of L.P.A.T. — Draft by-law with consent of parties</u>
	<u>(26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</u>
	<u>Notice to make new decision</u>
	<u>(26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter.</u>
	<u>Rules that apply if notice received</u>
	<u>(26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:</u>
	<u>1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply.</u>
	<u>2. The reference to “within 150 days after the receipt by the clerk of the application” in subsection (11) shall be read as “within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received”.</u>
	<u>Same, subs. (11) – failure to make decision</u>
	<u>(26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order.</u>
	<u>Second appeal – subs. (11), refusal</u>
	<u>(26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the</u>

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	<u>Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order if the Tribunal determines that,</u>
	<u>(a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and</u>
	<u>(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans.</u>
	<u>Second appeal — subs. (19)</u>
	<u>(26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal's order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan.</u>
	<u>Draft by-law with consent of the parties</u>
	<u>(26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</u>
	<u>Same</u>
	<u>(26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order.</u>
	<u>Specified parties</u>

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	<p><u>(26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:</u></p> <ol style="list-style-type: none"> <u>1. The municipality.</u> <u>2. The Minister, if the Minister is a party.</u> <u>3. If applicable, the applicant.</u> <u>4. If applicable, all appellants of the decision which was the subject of the appeal.</u>
	<p><u>Effect on original by-law</u></p> <p><u>(26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed.</u></p>
	<p><u>Non-application of s. 24 (4)</u></p> <p><u>(26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4).</u></p>
<p>Matters of provincial interest</p> <p>(27) Where an appeal is made to the Municipal Board 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 Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,</p>	<p>Matters of provincial interest</p> <p>(27) Where an appeal is made to the Municipal Board<u>Tribunal</u> 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 Board<u>Tribunal</u> in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal<u>after the day the Tribunal gives notice under subsection (24)</u> and the Minister shall identify,</p>
(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and	(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.	(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected.
<p>No hearing or notice required</p> <p>(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27).</p>	<p>No hearing or notice required</p> <p>(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27).</p>
<p>No order to be made</p> <p>(29) If the Municipal Board has received notice from the Minister under subsection (27) and has made a decision on the by-law, the Board shall not make an order under subsection (11.0.2) or (26) in respect of the part or parts of the by-law identified in the notice.</p>	<p>No order to be made</p> <p>(29) If the Municipal Board<u>Tribunal</u> has received <u>a</u> notice from the Minister under subsection (27) and has made a decision on the by-law, <u>the following rules shall apply:</u></p> <ol style="list-style-type: none"> <u>1. Subsections (26) to (26.12) do not apply to the appeal.</u> <u>2. The Tribunal may make a decision as to whether the appeal should be dismissed or the by-law should be repealed or amended in whole or in part or the council of the municipality should be directed to repeal or amend the by-</u>

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	<u>law in whole or in part.</u> <u>3. †The Board-Tribunal</u> shall not make an order <u>under subsection (11.0.2) or (26)</u> in respect of the part or parts of the by-law identified in the notice.
Action of L.G. in C.	Action of L.G. in C.
(29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board 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.	(29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the <u>Municipal Board Tribunal</u> 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.
Coming into force	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.	(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 <u>under subsection (26.2) or (26.8)</u> or amended under subsection (26.8) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed.
Unappealed portions	Unappealed portions
(31) Despite subsection (30), before all of the appeals have been finally disposed of, the Municipal Board 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.	(31) Despite subsection (30), before all of the appeals have been finally disposed of, the <u>Municipal Board Tribunal</u> 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.
Method	Method
(32) The Municipal Board may make an order under subsection (31) on its own initiative or on the motion of any person or public body.	(32) The <u>Municipal Board Tribunal</u> may make an order under subsection (31) on its own initiative or on the motion of any person or public body.
Notice and hearing	Notice and hearing
(33) The Municipal Board may,	(33) The <u>Municipal Board Tribunal</u> 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	(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.	(b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate.
Notice	Notice
(34) Despite clause (33) (a), the Municipal Board shall give notice of a motion under subsection (32) to any person or public body who filed with the Board a written request to be	(34) Despite clause (33) (a), the <u>Municipal Board Tribunal</u> shall give notice of a motion under subsection (32) to any person or public body who filed with the <u>Board-Tribunal</u> a

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notified if a motion is made.	written request to be notified if a motion is made.
[Sections 35 - 35.2]	[No Bill 139 amendments to Sections 35 - 35.2]
Holding provision by-law	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.	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.
Condition	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)	(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)
Appeal to O.M.B.	Appeal to O.M.B.L.P.A.T.
(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects to make a decision thereon within 120 days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board 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.	(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects fails to make a decision thereon within 120-150 days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board Tribunal and the Board -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.
Matters of provincial interest	Matters of provincial interest
(3.1) Where an appeal is made to the Municipal Board 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 Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,	(3.1) Where an appeal is made to the Municipal Board 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 Board -Tribunal in writing not later than 30 days before the day fixed by the Board -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	(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.	(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected.
No hearing or notice required	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).	(3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1).
No order to be made	No order to be made
(3.3) If the Municipal Board has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Board shall not make an order under subsection (3) in respect of the part or parts of the by-law	(3.3) If the Municipal Board Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Board -Tribunal shall not make an order under subsection (3) in respect of the part or parts of

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identified in the notice.	the by-law identified in the notice.
Action of L.G. in C.	Action of L.G. in C.
(3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board 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.	(3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board <u>Tribunal</u> 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.
Application of subs. 34 (10.7, 10.9-25.1)	Application of subs. 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.	(4) Subsections 34 (10.7), and (10.9) to (25.1) <u>(20.4) and (22) to (34)</u> 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.
[Section 37]	[No Bill 139 amendments to Section 37]
Interim control by-law	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.	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	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.	(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.
Notice of passing of by-law	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.	(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.
	<u>Appeal to L.P.A.T. re by-law passed under subs. (1)</u>
	<u>(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</u>

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	<u>of appeal setting out the objection to the by-law and the reasons in support of the objection.</u>
Appeal to O.M.B.	Appeal to O.M.B. <u>L.P.A.T. re by-law passed under subs. (2)</u>
(4) Any person or public body to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board 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.	(4.1) Any person or public body to whom <u>who was given</u> notice of a <u>the passing of a</u> by-law was given under subsection (3 2) may, within sixty-60 days from <u>after</u> the date of the passing of the by-law, appeal to the Municipal Board <u>Tribunal</u> 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.
Application	Application
(5) If a notice of appeal is filed under subsection (4), subsections 34 (23) to (26) apply with necessary modifications to the appeal.	(5) If a notice of appeal is filed under subsection (4) <u> or (4.1)</u> , subsections 34 (23) to (26), <u>as they read on the day before subsection 12 (2) of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force</u> , apply with necessary modifications to the appeal.
When prior zoning by-law again has effect	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.	(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.
Where by-law appealed	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 Municipal Board or until the date of a notice issued by the secretary of the Board under subsection 34 (23.1) unless the interim control by-law is repealed.	(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 Municipal Board <u>Tribunal</u> or until the date of a notice issued by the secretary of the Board <u>Tribunal</u> under subsection 34 (23.1) unless the interim control by-law is repealed.
Prohibition	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.	(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.

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Application of s. 34 (9)	Application of s. 34 (9)
(8) Subsection 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2).	(8) Subsection 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2).
[Sections 39 - 40]	[No Bill 139 amendments to Sections 39 - 40]
Site plan control area	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 <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , 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.	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 <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , 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.
Exception	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.	(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.
Establishment of site plan control area	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.	(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.
Designation of site plan control area	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.	(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.
Consultation	Consultation
(3.1) The council,	(3.1) The council,
(a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and	(a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and
(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).	(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).
Approval of plans or drawings	Approval of plans or drawings
(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the	(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the

<i>Planning Act</i>	<i>Planning Act with Bill 139 Amendments</i>
municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:	municipality or, where a referral has been made under subsection (12), the Municipal Board <u>Tribunal</u> has approved one or both, as the council may determine, of the following:
1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.	1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,	2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
(a) the massing and conceptual design of the proposed building;	(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;	(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;	(c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;	(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;
Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 41 (4) of the Act is amended by adding the following clause: (See: 2016, c. 25, Sched. 4, s. 5)	Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 41 (4) of the Act is amended by adding the following clause: (See: 2016, c. 25, Sched. 4, s. 5)
(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;	(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	(e) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without

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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	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.	(f) facilities designed to have regard for accessibility for persons with disabilities.
Exclusions from site plan control	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:	(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. Interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) 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.	3. The manner of construction and standards for construction.
Dispute about scope of site plan control	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 Municipal Board determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control.	(4.2) The owner of land or the municipality may make a motion for directions to have the Municipal Board Tribunal determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control.
Final determination	Final determination
(4.3) The Municipal Board's determination under subsection (4.2) is not subject to appeal or review.	(4.3) The Municipal Board Tribunal 's determination under subsection (4.2) is not subject to appeal or review.
Drawings for residential buildings	Drawings for residential buildings
(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.	(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.
Proviso	Proviso
(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.	(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.
Conditions to approval of plans	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	(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the

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owner of the land to,	owner of the land to,
(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:	(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.	1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
2. Subject to the <i>Public Transportation and Highway Improvement Act</i> , facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.	2. Subject to the <i>Public Transportation and Highway Improvement Act</i> , facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.	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. 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.	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.	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.	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.	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.	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;	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;	(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) 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	(c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the

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plans and drawings approved under subsection (4);	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	(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
Where area is in upper-tier municipality	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,	(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:	(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,	(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 <i>Public Transportation and Highway Improvement Act</i> , 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 curbs and traffic direction signs,	(ii) subject to the <i>Public Transportation and Highway Improvement Act</i> , 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 curbs 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,	(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,	(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;	(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;	(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.	(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.

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Widening must be described in official plan	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.	(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.
Limitation	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.	(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.
Registration of agreements	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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.
Application of Municipal Act, 2001 or City of Toronto Act, 2006	Application of Municipal Act, 2001 or City of Toronto Act, 2006
(11) Section 446 of the <i>Municipal Act, 2001</i> or section 386 of the <i>City of Toronto Act, 2006</i> , 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).	(11) Section 446 of the <i>Municipal Act, 2001</i> or section 386 of the <i>City of Toronto Act, 2006</i> , 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).
Appeal to O.M.B.	Appeal to O.M.B.L.P.A.T.
(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality or 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 require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or upper-tier municipality, as appropriate.	(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality, <u>the owner may appeal the failure to approve the plans or drawings to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>.</u>
	Appeal to L.P.A.T. re requirement under subs. (7) or (8) (12.01) or 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 require the plans or drawings or appeal the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board/Tribunal by written notice to the secretary of the Board and to filing with the clerk of the local municipality or upper-tier municipality, as appropriate a notice of appeal accompanied by the fee charged under the

<i>Planning Act</i>	<i>Planning Act with Bill 139 Amendments</i>
	<i>Local Planning Appeal Tribunal Act, 2017.</i>
	Record
	<u>(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:</u>
	<u>1. The notice of appeal.</u>
	<u>2. The fee.</u>
	<u>3. The plans and drawings submitted for approval under subsection (4).</u>
	<u>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.</u>
Hearing	Hearing
(12.1) The Municipal Board 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, and the decision of the Board is final.	(12.1) The Municipal Board 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, and the decision of the Board is final.
Classes of development, delegation	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,	(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,
(a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and	(a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).	(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).
Proviso	Proviso
(14) Section 35a of <i>The Planning Act</i> , 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.	(14) Section 35a of <i>The Planning Act</i> , 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.
Certain agreements declared valid and binding	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	(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

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facilities and matters mentioned in subsection 35a (2) of <i>The Planning Act</i> , 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.	facilities and matters mentioned in subsection 35a (2) of <i>The Planning Act</i> , 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.
City of Toronto	City of Toronto
(16) This section does not apply to the City of Toronto, except for subsection (1.1), paragraph 1 of subsection (4), subparagraph 2 (f) of subsection (4) and paragraph 4.1 of clause (7) (a), which provisions apply with necessary modifications.	(16) This section does not apply to the City of Toronto; except for subsection (1.1), paragraph 1 of subsection (4), subparagraph 2 (f) of subsection (4) and paragraph 4.1 of clause (7) (a), which provisions apply with necessary modifications.
[Sections 42 - 44]	[No Bill 139 amendments to Sections 42 - 44 except striking out “Municipal Board” and “Board” where it appears and substituting in each case “Tribunal”]
Powers of committee	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.	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.
Prescribed criteria	Prescribed 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,	(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;	(a) the prescribed criteria, if any;
(b) the criteria established by the local municipality by by-law, if any.	(b) the criteria established by the local municipality by by-law, if any.
Same	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.	(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.
Criteria by-law	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:	(1.0.3) 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, <u>as they read on the day before section 14 of Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> comes into force,</u> apply, with necessary modifications, in respect of the by-law:

Planning Act	Planning Act with Bill 139 Amendments
1. Clause 34 (12) (a).	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).	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).
Coming into force	Coming into force
(1.0.4) A by-law under subsection (1.0.3) comes 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;	(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;	(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 Municipal Board dismisses all appeals and the time for filing appeals has expired, on the day after the last day on which an appeal was dismissed;	(c) if the Municipal Board <u>Municipal Board Tribunal</u> 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 Municipal Board allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Municipal Board makes a decision disposing of the appeal; or	(d) if the Municipal Board <u>Municipal Board Tribunal</u> allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Municipal Board <u>Municipal Board Tribunal</u> makes a decision disposing of the appeal; or
(e) if the Municipal Board 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.	(e) if the Municipal Board <u>Municipal Board Tribunal</u> 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.
Restriction	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 <i>City of Toronto Act, 2006</i> .	(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 <i>City of Toronto Act, 2006</i> .
Note: On a day to be named by proclamation of the Lieutenant Governor, section 45 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 6)	Note: On a day to be named by proclamation of the Lieutenant Governor, section 45 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 6)
Same	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).	(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).
When subs. (1.3) applies	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.	(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.
Two-year period, no application for minor variance	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	(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect

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of the land, building or structure before the second anniversary of the day on which the by-law was amended.	of the land, building or structure before the second anniversary of the day on which the by-law was amended.
Exception	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.	(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.
Other powers	Other powers
(2) In addition to its powers under subsection (1), the committee, upon any such application,	(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,	(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	(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	(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.	(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.
Power of committee to grant minor variances	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.	(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.

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Time for hearing	Time for hearing
(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.	(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.
Notice of hearing	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.	(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.
Hearing	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.	(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.
Oaths	Oaths
(7) The chair, or in his or her absence the acting chair, may administer oaths.	(7) The chair, or in his or her absence the acting chair, may administer oaths.
Decision	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.	(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.
Same	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,	(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	(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.	(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.
Written and oral submissions	Written and oral submissions
(8.2) Clause (8.1) (b) applies to,	(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	(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.	(b) any oral submissions relating to the application that were made at a hearing.
Conditions in decision	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.	(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.
Agreement re terms and conditions	Agreement re terms and conditions
(9.1) If the committee imposes terms and conditions under	(9.1) If the committee imposes terms and conditions under

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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.	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.
Registration of agreement	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 <i>Registry Act</i> and the <i>Land Titles Act</i> , against any and all subsequent owners of the land.	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , against any and all subsequent owners of the land.
Notice of decision	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,	(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;	(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	(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,	(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 Municipal Board.	together with a notice of the last day for appealing to the Municipal Board <u>Tribunal</u> .
Additional material	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.	(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.
Appeal to O.M.B.	Appeal to O.M.B.<u>L.P.A.T.</u>
(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 Municipal Board 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 prescribed by the Municipal Board under the <i>Ontario Municipal Board Act</i> as payable on an appeal from a committee of adjustment to the Board.	(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 Municipal Board <u>Tribunal</u> 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 prescribed <u>charged</u> by the Municipal Board <u>Tribunal</u> under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal Act, 2017</u> as payable on an appeal from a committee of adjustment to the Board <u>Tribunal</u> .

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Idem	Idem
(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Municipal Board, 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 Board; and (e) any other prescribed information and material.	(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Municipal Board <u>Tribunal</u> , 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 Board <u>Tribunal</u> ; and (e) any other prescribed information and material.
Exception	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 Municipal Board.	(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 Municipal Board <u>Tribunal</u> .
Decision final	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.	(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.
Where no appeal	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.	(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.
Where appeals withdrawn	Where appeals withdrawn
(15) Where all appeals to the Municipal Board are withdrawn, the decision of the committee is final and binding and the secretary of the Board 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.	(15) Where all appeals to the Municipal Board <u>Tribunal</u> are withdrawn, the decision of the committee is final and binding and the secretary of the Board <u>Tribunal</u> 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.

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Hearing	Hearing
(16) On an appeal to the Municipal Board, the Board 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 Board may determine.	(16) On an appeal to the Municipal Board <u>Tribunal</u> , the Tribunal <u>Board</u> 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 Board <u>Tribunal</u> may determine.
Dismissal without hearing	Dismissal without hearing
(17) Despite the <i>Statutory Powers Procedure Act</i> and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if,	(17) Despite the <i>Statutory Powers Procedure Act</i> and subsection (16), the Municipal Board <u>Tribunal</u> 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,	(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 Board could allow all or part of the appeal,	(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board <u>Tribunal</u> could allow all or part of the appeal,
(ii) the appeal is not made in good faith or is frivolous or vexatious,	(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	(iii) the appeal is made only for the purpose of delay, or
(iv) the appellant has persistently and without reasonable grounds commenced before the Board proceedings that constitute an abuse of process;	(iv) the appellant has persistently and without reasonable grounds commenced before the Board <u>Tribunal</u> proceedings that constitute an abuse of process;
(b) the appellant has not provided written reasons for the appeal;	(b) the appellant has not provided written reasons for the appeal;
(c) the appellant has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> ; or	(c) the appellant has not paid the fee prescribed <u>charged</u> under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal, 2017</u> ; or
(d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.	(d) the appellant has not responded to a request by the Municipal Board <u>Tribunal</u> for further information within the time specified by the Board <u>Tribunal</u> .
Representation	Representation
(17.1) Before dismissing all or part of an appeal, the Municipal Board 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).	(17.1) Before dismissing all or part of an appeal, the Municipal Board <u>Tribunal</u> 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).
Dismissal	Dismissal
(17.2) The Municipal Board 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.	(17.2) The Municipal Board <u>Tribunal</u> 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.

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Powers of O.M.B.	Powers of O.M.B.
(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.	(18) The Municipal Board <u>Tribunal</u> may dismiss the appeal and may make any decision that the committee could have made on the original application.
Amended application	Amended application
(18.1) On an appeal, the Municipal Board 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.	(18.1) On an appeal, the Municipal Board <u>Tribunal</u> 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.
Exception	Exception
(18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor.	(18.1.1) The Municipal Board <u>Tribunal</u> is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor.
Notice of intent	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 Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.	(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 Board <u>Tribunal</u> of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
Order	Order
(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.	(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board <u>Tribunal</u> may issue its order.
Hearing	Hearing
(18.4) If a notice of intent is received, the Board 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.	(18.4) If a notice of intent is received, the Board <u>Tribunal</u> 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.
Notice of decision	Notice of decision
(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.	(19) When the Municipal Board <u>Tribunal</u> makes an order on an appeal, the secretary of the Board <u>Tribunal</u> shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.
Idem	Idem
(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.	(20) The secretary-treasurer shall file a copy of the order of the Municipal Board <u>Tribunal</u> with the clerk of the municipality.
[Section 46]	[No Bill 139 amendments to Section 46]
Power of Minister re zoning and subdivision control	Power of Minister re zoning and subdivision control
47. (1) The Minister may by order,	47. (1) The Minister may by order,
(a) in respect of any land in Ontario, exercise any of the	(a) in respect of any land in Ontario, exercise any of the

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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	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).	(b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4).
Power of Minister to allow minor variances	Power of Minister to allow minor variances
(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.	(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.
Order prevails over by-law in event of conflict	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.	(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.
Deemed by-law of municipality	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.	(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.
Notice	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 and shall set out in the notice the provisions of subsections (8), (9) and (10).	(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 and shall set out in the notice the provisions of subsections (8), (9) and (10).
Idem	Idem
(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),	(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	(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.	(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.

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Registration	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.	(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.
Revocation or amendment	Revocation or amendment
(8) The Minister may, on his or her own initiative or at the request of any person or public body, by order, amend or revoke in whole or in part any order made under subsection (1).	(8) The Minister may, on his or her own initiative or at the request of any person or public body, by order, amend or revoke in whole or in part any order made under subsection (1). <u>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.</u>
	<u>Consolidated Hearings Act</u>
	<u>(8.0.1) Despite the Consolidated Hearings Act, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of a request under subsection (8) unless the Minister has referred the request to the Tribunal under subsection (10).</u>
Information	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.	(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.
Refusal to consider	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.	(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.
Notice	<u>Notice Action by Minister</u>
(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof 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 thereof.	(9) Except as provided in subsection (10), <u>If the Minister before initiates an amending or revocation in whole or in part 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 thereof</u> 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 <u>of the proposed amendment or revocation thereof.</u>
Hearing by O.M.B.	<u>Hearing by O.M.B. Referral of request under subs. (8)</u>
(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person or public body shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be	(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), <u>The Minister may, and on the request of any person or public body shall, refer a request made under subsection (8) to the Municipal Board Tribunal. to hold a hearing on the application and</u>

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	Hearing by Tribunal
	(11) If the Minister refers the request to the Tribunal, the Tribunal shall conduct a hearing, thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.
Reasons	Reasons
(10.1) A request for a hearing must set out the reasons for the request and be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> .	(10.1) A request for a hearing must set out the reasons for the request and be accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i>.
Refusal to refer	Refusal to refer
(11) The Minister may refuse to refer a request under subsection (10) to the Municipal Board if,	(11) The Minister may refuse to refer a request under subsection (10) to the Municipal Board if,
(a) the Minister is of the opinion that,	(a) the Minister is of the opinion that,
(i) the reasons set out in the request do not disclose any apparent land use planning ground upon which the Municipal Board could amend or revoke or refuse to revoke all or part of the order,	(i) the reasons set out in the request do not disclose any apparent land use planning ground upon which the Municipal Board could amend or revoke or refuse to revoke all or part of the order,
(ii) the request is not made in good faith or is frivolous or vexatious, or	(ii) the request is not made in good faith or is frivolous or vexatious, or
(iii) the request is made only for the purpose of delay;	(iii) the request is made only for the purpose of delay;
(b) the person or public body requesting the hearing has not provided written reasons for the request.	(b) the person or public body requesting the hearing has not provided written reasons for the request.
Notice of hearing	Notice of hearing
(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.	(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), n Notice of the hearing shall be given in such manner and to such persons as the Tribunal may determine. Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.
Dismissal without hearing	Dismissal without hearing
(12.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (10), the Municipal Board may dismiss a request to hold a hearing without holding a hearing, on its own initiative or on the motion of any party, if,	(12.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (10), the Municipal Board may dismiss a request to hold a hearing without holding a hearing, on its own initiative or on the motion of any party, if,
(a) it is of the opinion that,	(a) it is of the opinion that,
(i) the reasons set out in the request do not disclose any apparent land use planning ground upon which the Board could amend or revoke or refuse to amend or revoke all or part of the order,	(i) the reasons set out in the request do not disclose any apparent land use planning ground upon which the Board could amend or revoke or refuse to amend or revoke all or part of the order,
(ii) the request is not made in good faith or is frivolous or vexatious,	(ii) the request is not made in good faith or is frivolous or vexatious,
(iii) the request is made only for the purpose of delay, or	(iii) the request is made only for the purpose of delay, or
(iv) the person or public body requesting the hearing has persistently and without reasonable grounds commenced	(iv) the person or public body requesting the hearing has persistently and without reasonable grounds commenced

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before the Board proceedings that constitute an abuse of process;	before the Board proceedings that constitute an abuse of process;
(b) the person or public body requesting the hearing has not provided written reasons for the request;	(b) the person or public body requesting the hearing has not provided written reasons for the request;
(c) the person or public body requesting the hearing has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> ; or	(c) the person or public body requesting the hearing has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i>; or
(d) the person or public body requesting the hearing has not responded to a request by the Municipal Board for further information within the time specified by the Board.	(d) the person or public body requesting the hearing has not responded to a request by the Municipal Board for further information within the time specified by the Board.
Representation	Representation
(12.2) Before dismissing a request to hold a hearing, the Municipal Board shall notify the person or public body requesting the hearing and give the person or public body the opportunity to make representation on the proposed dismissal but this subsection does not apply if the person or public body has not complied with a request made under clause (12.1) (d).	(12.2) Before dismissing a request to hold a hearing, the Municipal Board shall notify the person or public body requesting the hearing and give the person or public body the opportunity to make representation on the proposed dismissal but this subsection does not apply if the person or public body has not complied with a request made under clause (12.1) (d).
Dismissal	Dismissal
(12.3) The Municipal Board may dismiss a request after holding a hearing or without holding a hearing on the motion under subsection (12.1), as it considers appropriate. 2000, c. 26, Sched. K, s. 5 (4).	(12.3) The Municipal Board may dismiss a request after holding a hearing or without holding a hearing on the motion under subsection (12.1), as it considers appropriate. 2000, c. 26, Sched. K, s. 5 (4).
Decision of O.M.B.	<u>Decision of O.M.B. Recommendation</u>
(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall give effect to the decision of the Board.	(13) The Municipal Board after <u>At</u> the conclusion of the hearing, the Tribunal shall make a decision written recommendation to the Minister stating whether the Minister should approve to either the requested amendment or revocation <u>decision</u> the order, in whole or in part, make modifications and approve the requested amendment or revocation as modified or refuse to the requested amendment or revocation <u>to the requested amendment</u> or revocation <u>the order,</u> in whole or in part and the Minister shall give effect to the decision of the Board <u>giving reasons for the recommendation.</u>
Minister's notice re matters of provincial interest	<u>Minister's notice re matters of provincial interest</u>
(13.1) If the Municipal Board has been requested to hold a hearing as provided for in subsection (10) and the Minister is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the requested amendment or revocation, the Minister may so notify the Board in writing, not later than 30 days before the day fixed by the Board for the hearing.	(13.1) If the Municipal Board has been requested to hold a hearing as provided for in subsection (10) and the Minister is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the requested amendment or revocation, the Minister may so notify the Board in writing, not later than 30 days before the day fixed by the Board for the hearing.
Same	Same
(13.2) The Minister's notice shall identify,	(13.2) The Minister's notice shall identify,
(a) the provisions of the order by whose amendment or revocation the provincial interest is, or is likely to be,	(a) the provisions of the order by whose amendment or revocation the provincial interest is, or is likely to be,

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adversely affected; and	adversely affected; and
(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected.	(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected.
Same	Same
(13.3) The Minister is not required to give notice or to hold a hearing before giving notice under subsection (13.1).	(13.3) The Minister is not required to give notice or to hold a hearing before giving notice under subsection (13.1).
Effect of notice	Effect of notice
(13.4) If the Municipal Board receives notice from the Minister under subsection (13.1), the decision of the Board is not final and binding with respect to the amendment or revocation of provisions identified in the notice, until the Lieutenant Governor in Council confirms the decision in that respect.	(13.4) If the Municipal Board receives notice from the Minister under subsection (13.1), the decision of the Board is not final and binding with respect to the amendment or revocation of provisions identified in the notice, until the Lieutenant Governor in Council confirms the decision in that respect.
Power of Lieutenant Governor in Council	Power of Lieutenant Governor in Council
(13.5) The Lieutenant Governor in Council may confirm, vary or rescind the Municipal Board's decision with respect to the amendment or revocation of provisions identified in the notice, and may direct the Minister to amend or revoke the order, in whole or in part.	(13.5) The Lieutenant Governor in Council may confirm, vary or rescind the Municipal Board's decision with respect to the amendment or revocation of provisions identified in the notice, and may direct the Minister to amend or revoke the order, in whole or in part.
Notification of decision	Notification of decision recommendation
(14) A copy of the decision of the Municipal Board 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 decision.	(14) A copy of the decision recommendation of the Municipal Board 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 decision recommendation.
(15)-(17) REPEALED:	(15)-(17) REPEALED:
	<u>Decision to amend or revoke</u>
	<u>(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).</u>
	<u>Notice of decision</u>
	<u>(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.</u>
Effect of land use order	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).	(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 50 (4).
Deemed by-law	Deemed by-law
(19) The Minister may, in the order or by separate order,	(19) The Minister may, in the order or by separate order,

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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.	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.
<i>[Sections 48 - 49.1]</i>	<i>[No Bill 139 amendments to Sections 48 - 49.1]</i>
PART VI SUBDIVISION OF LAND	PART VI SUBDIVISION OF LAND
<i>[Sections 50 - 50.1]</i>	<i>[No Bill 139 amendments to Sections 50 - 50.1]</i>
Plan of subdivision approvals	Plan of subdivision approvals
51. (1), (2) Repealed: 2002, c. 17, Sched. B, s. 19 (1).	51. (1), (2) Repealed: 2002, c. 17, Sched. B, s. 19 (1).
Minister is approval authority	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.	(3) Except as otherwise provided in this section, the Minister is the approval authority for the purposes of this section and section 51.1.
Deemed approval authority	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.	(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.
Single-tier municipality	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.	(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.
Upper-tier municipality	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.	(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.
Timing, upper-tier as approval authority	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).	(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).
Prescribed lower-tier municipality	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.	(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.
Prescribed single-tier municipality in a territorial district	Prescribed single-tier municipality in a territorial district
(7) If land is in a prescribed single-tier municipality that is	(7) If land is in a prescribed single-tier municipality that is

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in a territorial district, the municipality is the approval authority for the purposes of this section and section 51.1.	in a territorial district, the municipality is the approval authority for the purposes of this section and section 51.1.
(8)-(10) Repealed: 2002, c. 17, Sched. B, s. 19 (4).	(8)-(10) Repealed: 2002, c. 17, Sched. B, s. 19 (4).
Removal of power	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.	(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.
Minister to be approval authority	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.	(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.
Revocation	Revocation
(13) If the Minister revokes the order or part of the order made under subsection (11), the council reverts back to being the approval authority in respect of all applications to which the revoked order or revoked part of the order applies.	(13) If the Minister revokes the order or part of the order made under subsection (11), the council reverts back to being the approval authority in respect of all applications to which the revoked order or revoked part of the order applies.
Delegation	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.	(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.
Effect of revocation	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.	(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.

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Application	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.	(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.
Consultation	Consultation
(16.1) The approval authority,	(16.1) The approval authority,
(a) shall permit applicants to consult with it before submitting applications under subsection (16); and	(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).	(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).
Contents	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,	(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;	(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;	(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;	(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;	(d) the purpose for which the proposed lots are to be used;
(e) the existing uses of all adjoining lands;	(e) the existing uses of all adjoining lands;
(f) the approximate dimensions and layout of the proposed lots;	(f) the approximate dimensions and layout of the proposed lots;
(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;	(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;	(h) the availability and nature of domestic water supplies;
(i) the nature and porosity of the soil;	(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	(j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the

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land proposed to be subdivided;	land proposed to be subdivided;
(k) the municipal services available or to be available to the land proposed to be subdivided; and	(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.	(l) the nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements.
Other information	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.	(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.
Refusal and timing	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,	(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	(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.	(b) the time period referred to in subsection (34) does not begin.
Response re completeness of application	Response re completeness of application
(19.1) Within 30 days after the applicant pays any fee under section 69 or 69.1, the approval authority shall notify the applicant and the clerk of the municipality in which the land is located or the secretary-treasurer of the planning board in whose planning area the land is located that the information and material required under subsections (17) and (18), if any, have been provided, or that they have not been provided, as the case may be.	(19.1) Within 30 days after the applicant pays any fee under section 69 or 69.1, the approval authority shall notify the applicant and the clerk of the municipality in which the land is located or the secretary-treasurer of the planning board in whose planning area the land is located that the information and material required under subsections (17) and (18), if any, have been provided, or that they have not been provided, as the case may be.
Motion re dispute	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 Municipal Board determine,	(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 Municipal Board Municipal Tribunal determine,
(a) whether the information and material have in fact been provided; or	(a) whether the information and material have in fact been provided; or
(b) whether a requirement made under subsection (18) is reasonable.	(b) whether a requirement made under subsection (18) is reasonable.
Same	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	(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

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described in subsection (19.1) has elapsed.	described in subsection (19.1) has elapsed.
Alternative measures	Alternative measures
(19.3.1) Subject to subsection (19.3.3), if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed plans of subdivision and if the measures are complied with, clause (19.4) (a) and subsections (20) and (21) do not apply.	(19.3.1) Subject to subsection (19.3.3), if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed plans of subdivision and if the measures are complied with, clause (19.4) (a) and subsections (20) and (21) do not apply.
Same	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).	(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).
Restriction	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.	(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.
Notice of particulars and public access	Notice of particulars and public access
(19.4) Within 15 days after the approval authority gives an affirmative notice under subsection (19.1), or within 15 days after the Municipal Board advises the approval authority and the clerk or secretary-treasurer of its affirmative decision under subsection (19.2), as the case may be, the council or planning board shall,	(19.4) Within 15 days after the approval authority gives an affirmative notice under subsection (19.1), or within 15 days after the Municipal Board <u>Tribunal</u> advises the approval authority and the clerk or secretary-treasurer of its affirmative decision under subsection (19.2), as the case may be, the council or planning board shall,
(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application, accompanied by the prescribed information; and	(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application, accompanied by the prescribed information; and
(b) make the information and material provided under subsections (17) and (18) available to the public.	(b) make the information and material provided under subsections (17) and (18) available to the public.
Final determination	Final determination
(19.5) The Municipal Board's determination under subsection (19.2) is not subject to appeal or review.	(19.5) The Municipal Board <u>Tribunal</u> 's determination under subsection (19.2) is not subject to appeal or review.
Notice	Notice
(20) At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,	(20) At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,
(a) notice of the application is given, if required by regulation, in the manner and to the persons and public bodies and containing the information prescribed; and	(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.	(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.

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Request	Request
(21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided give notice of the application or hold the public meeting referred to in subsection (20) or do both.	(21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided give notice of the application or hold the public meeting referred to in subsection (20) or do both.
Responsibilities	Responsibilities
(21.1) A local municipality or planning board that is requested to give the notice referred to in clause (20) (a) shall ensure that,	(21.1) A local municipality or planning board that is requested to give the notice referred to in clause (20) (a) shall ensure that,
(a) the notice is given in accordance with the regulation made under clause (20) (a); and	(a) the notice is given in accordance with the regulation made under clause (20) (a); and
(b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given.	(b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given.
Same	Same
(21.2) A local municipality or planning board that is requested to hold the public meeting referred to in clause (20) (b) shall ensure that,	(21.2) A local municipality or planning board that is requested to hold the public meeting referred to in clause (20) (b) shall ensure that,
(a) notice of the meeting is given in accordance with the regulation made under clause (20) (b);	(a) notice of the meeting is given in accordance with the regulation made under clause (20) (b);
(b) the public meeting is held; and	(b) the public meeting is held; and
(c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held.	(c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held.
Written submissions	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).	(22) Any person or public body may make written submissions to the approval authority before the approval authority makes its decision under subsection (31).
Consultation	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.	(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.
Criteria	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,	(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;	(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

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(b) whether the proposed subdivision is premature or in the public interest;	(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;	(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) the suitability of the land for the purposes for which it is to be subdivided;
(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;	(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;	(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;	(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;	(h) conservation of natural resources and flood control;
(i) the adequacy of utilities and municipal services;	(i) the adequacy of utilities and municipal services;
(j) the adequacy of school sites;	(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;	(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	(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 <i>City of Toronto Act, 2006</i> .	(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 <i>City of Toronto Act, 2006</i> .
Conditions	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,	(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;	(a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;

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(b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;	(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;	(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; and	(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; and
(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.	(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.
Agreements	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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.
Land outside municipalities	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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of land.	(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 <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of land.
(28)-(30) Repealed: 1996, c. 4, s. 28 (5).	(28)-(30) Repealed: 1996, c. 4, s. 28 (5).
Decision	Decision
(31) The approval authority may give or refuse to give approval to a draft plan of subdivision. 1994, c. 23, s. 30.	(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	Lapse of approval
(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at	(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at

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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 Municipal Board's decision is issued in respect of the appeal or from the date of a notice issued by the Board under subsection (51).	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 Municipal Board <u>Tribunal</u> 's decision is issued in respect of the appeal or from the date of a notice issued by the Board <u>Tribunal</u> under subsection (51).
Extension	Extension
(33) The approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given.	(33) The approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given.
Appeal to O.M.B.	Appeal to O.M.B.<u>L.P.A.T</u>
(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 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> .	(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 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board <u>Tribunal</u> with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed <u>charged</u> under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal Act, 2017</u> .
<i>Consolidated Hearings Act</i>	<i>Consolidated Hearings Act</i>
(34.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for approval of a draft plan of subdivision unless the approval authority has given or refused to give approval to the draft plan of subdivision or the time period referred to in subsection (34) has expired.	(34.1) Despite the <i>Consolidated Hearings Act</i> , the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for approval of a draft plan of subdivision unless the approval authority has given or refused to give approval to the draft plan of subdivision or the time period referred to in subsection (34) has expired.
Record	Record
(35) An approval authority that receives a notice of appeal under subsection (34) shall ensure that,	(35) An approval authority that receives a notice of appeal under subsection (34) shall ensure that,
(a) a record is compiled which includes the prescribed information and material; and	(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 Municipal Board within 15 days after the notice is filed.	(b) the record, the notice of appeal and the fee are forwarded to the Municipal Board <u>Tribunal</u> within 15 days after the notice is filed.
Exception	Exception
(35.1) Despite clause (35) (b), if all appeals under subsection (34) are withdrawn within 15 days after first notice of appeal is filed, the approval authority is not required to forward the materials described under clause (35) (b) to the Municipal	(35.1) Despite clause (35) (b), if all appeals under subsection (34) are withdrawn within 15 days after first notice of appeal is filed, the approval authority is not required to forward the materials described under clause (35) (b) to the Municipal

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Board.	Board Tribunal.
Where all appeals withdrawn	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).	(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).
Withdrawal	Withdrawal
(36) If an appeal under subsection (34) is withdrawn, the Municipal Board shall notify the approval authority and the approval authority may proceed to make a decision under subsection (31).	(36) If an appeal under subsection (34) is withdrawn, the Municipal Board Tribunal shall notify the approval authority and the approval authority may proceed to make a decision under subsection (31).
Notice	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,	(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;	(a) the applicant;
(b) each person or public body that made a written request to be notified of the decision;	(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 situate; and	(c) a municipality or a planning board for a planning area in which the land to be subdivided is situate; and
(d) any other person or public body prescribed.	(d) any other person or public body prescribed.
Contents	Contents
(38) The notice under subsection (37) shall contain,	(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	(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.	(b) any other information that is prescribed.
Written and oral submissions	Written and oral submissions
(38.1) Clause (38) (a) applies to,	(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	(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.	(b) any oral submissions relating to the draft plan of subdivision that were made at a public meeting.
Exception	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.	(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.

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Exception	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.	(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.
Appeal	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 Municipal Board by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> :	(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 Municipal Board <u>Tribunal</u> by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed <u>charged</u> under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal Act, 2017</u> :
1. The applicant.	1. The applicant.
2. A person or public body who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.	2. A person or public body 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.	3. The Minister.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.	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.	5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body.
Notice completed	Notice completed
(40) For the purpose of subsections (39) and (49), the giving of written notice shall be deemed to be 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) 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;	(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	(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.	(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.
No appeal	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	(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

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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.	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.
Declaration	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.	(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.
Appeal	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 Municipal Board by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> :	(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 Municipal Board Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed charged under the Ontario Municipal Board Act Local Planning Appeal Tribunal Act, 2017 :
1. The applicant.	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. 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.
3. The Minister.	3. The Minister.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.	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.	5. If the land is not located in a municipality or in the planning area of a planning board, any public body.
Withdrawal of approval	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).	(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).
Notice	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,	(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;	(a) the applicant;
(b) Repealed: 1996, c. 4, s. 28 (11).	(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;	(c) each person or public body that made a written request to be notified of changes to the conditions;

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(d) a municipality or a planning board for a planning area in which the land to be subdivided is situate; and	(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.	(e) any other person or public body prescribed.
(46) Repealed: 1996, c. 4, s. 28 (12).	(46) Repealed: 1996, c. 4, s. 28 (12).
No notice	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.	(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.
Appeal	Appeal
(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Municipal Board by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed under the <i>Ontario Municipal Board Act</i> :	(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Municipal Board Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee prescribed charged under the Ontario Municipal Board Act <u>Local Planning Appeal Tribunal Act, 2017</u> :
1. The applicant.	1. The applicant.
2. A person or public body who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.	2. A person or public body 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.	3. The Minister.
4. The municipality in which the land is located or the planning board in whose planning area the land is located.	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.	5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body.
Restriction	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.	(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.
Use of dispute resolution techniques	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	(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
Notice and invitation	Notice and invitation
(49.2) If the approval authority decides to act under subsection (49.1),	(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	(a) it shall give a notice of its intention to use dispute

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resolution techniques to all the appellants; and	resolution techniques to all the appellants; and
(b) it shall give an invitation to participate in the dispute resolution process to,	(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,	(i) as many of the appellants as the approval authority considers appropriate,
(ii) the applicant, if the applicant is not an appellant, and	(ii) the applicant, if the applicant is not an appellant, and
(iii) any other persons or public bodies that the approval authority considers appropriate.	(iii) any other persons or public bodies that the approval authority considers appropriate.
Extension of time	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.	(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.
Participation voluntary	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.	(49.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (49.2) (b) is voluntary.
Record	Record
(50) An approval authority that receives a notice of appeal under subsection (39), (43) or (48) shall ensure that,	(50) An approval authority that receives a notice of appeal under subsection (39), (43) or (48) shall ensure that,
(a) a record is compiled which includes the prescribed information and material; and	(a) a record is compiled which includes the prescribed information and material; and
(b) the record, notice of appeal and the fee are forwarded to the Municipal Board 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.	(b) the record, notice of appeal and the fee are forwarded to the Municipal Board 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.
Exception	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 Municipal Board.	(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 Municipal Board Tribunal .
Deemed decision	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	(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

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appeal that may be exercised under this section and subject to subsection (44).	appeal that may be exercised under this section and subject to subsection (44).
Appeals withdrawn	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 secretary of the Municipal Board 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).	(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 secretary of the Municipal Board 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).
Hearing	Hearing
(52) On an appeal, the Municipal Board shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Board may determine.	(52) On an appeal, the Municipal Board Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Board Tribunal may determine.
Restriction re adding parties	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:	(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).	1. A person or public body who satisfies one of the conditions set out in subsection (52.2).
2. The Minister.	2. The Minister.
3. The appropriate approval authority.	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.	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.	5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body.
Same	Same
(52.2) The conditions mentioned in paragraph 1 of subsection (52.1) are:	(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.	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 Municipal Board is of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Municipal Board Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.
New evidence at hearing	New evidence at hearing
(52.3) This subsection applies if information and material	(52.3) This subsection applies if information and material

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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.	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.
Same	Same
(52.4) When subsection (52.3) applies, the Municipal Board 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 Board determined 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.	(52.4) When <u>If</u> subsection (52.3) applies <u>and if the approval authority so requests</u> , the Municipal Board <u>Tribunal</u> 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 Board determined that it could have done so, it shall not be admitted <u>the information and material</u> into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed.
Notice to approval authority	Notice to approval authority
(52.5) The Municipal Board shall notify the approval authority that it is being given an opportunity to,	(52.5) The Municipal Board <u>Tribunal</u> 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	(a) reconsider its decision in light of the information and material; and
(b) make a written recommendation to the Board.	(b) make a written recommendation to the Board <u>Tribunal</u> .
Approval authority's recommendation	Approval authority's recommendation
(52.6) The Municipal Board 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.	(52.6) The Municipal Board <u>Tribunal</u> 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.
Conflict with SPPA	Conflict with SPPA
(52.7) Subsections (52.1) to (52.6) apply despite the <i>Statutory Powers Procedure Act</i> .	(52.7) Subsections (52.1) to (52.6) apply despite the <i>Statutory Powers Procedure Act</i> .
Dismissal without hearing	Dismissal without hearing
(53) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Municipal Board may dismiss an appeal without holding a hearing on its own initiative or on the motion of any party, if,	(53) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Municipal Board <u>Tribunal</u> 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,	(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 Board could give or refuse to give approval to the draft plan of subdivision or determine the question as to the condition appealed to it,	(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board <u>Tribunal</u> 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,	(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	(iii) the appeal is made only for the purpose of delay, or
(iv) the appellant has persistently and without reasonable	(iv) the appellant has persistently and without reasonable

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grounds commenced before the Board proceedings that constitute an abuse of process;	grounds commenced before the Board <u>Tribunal</u> proceedings that constitute an abuse of process;
(b) Repealed: 2006, c. 23, s. 22 (14).	(b) Repealed: 2006, c. 23, s. 22 (14).
(c) the appellant has not provided written reasons for the appeal;	(c) the appellant has not provided written reasons for the appeal;
(d) the appellant has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> ; or	(d) the appellant has not paid the fee prescribed under the <i>Ontario Municipal Board Act</i> <u>charged under the <i>Local Planning Appeal Tribunal Act, 2017</i></u> ; or
(e) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.	(e) the appellant has not responded to a request by the Municipal Board <u>Tribunal</u> for further information within the time specified by the Board <u>Tribunal</u> .
Same	Same
(53.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Municipal Board 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 Board'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.	(53.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Municipal Board <u>Tribunal</u> 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 Board's <u>Tribunal's</u> opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision.
Representation	Representation
(54) Before dismissing an appeal, the Municipal Board 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).	(54) Before dismissing an appeal, the Municipal Board <u>Tribunal</u> 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).
Dismissal	Dismissal
(54.1) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board 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.	(54.1) Despite the <i>Statutory Powers Procedure Act</i> , the Municipal Board <u>Tribunal</u> 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.
Decision	Decision
(55) If all appeals under subsection (39), (43) or (48) are dismissed or withdrawn, the secretary of the Municipal Board 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).	(55) If all appeals under subsection (39), (43) or (48) are dismissed or withdrawn, the secretary of the Municipal Board <u>Tribunal</u> 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).
Powers	Powers
(56) On an appeal under subsection (34) or (39), the	(56) On an appeal under subsection (34) or (39), the

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Municipal Board 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.	Municipal Board 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.
Final approval	Final approval
(56.1) If, on an appeal under subsection (34) or (39), the Municipal Board has given approval to a draft plan of subdivision, the Board 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.	(56.1) If, on an appeal under subsection (34) or (39), the Municipal Board Tribunal has given approval to a draft plan of subdivision, the Board 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.
Change of conditions	Change of conditions
(56.2) If the final approval of a plan of subdivision is to be given under subsection (56.1), the Municipal Board 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.	(56.2) If the final approval of a plan of subdivision is to be given under subsection (56.1), the Municipal Board 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.
When draft plan approved	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 <i>Surveys Act</i> and with the <i>Registry Act</i> or the <i>Land Titles Act</i> , as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.	(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 <i>Surveys Act</i> and with the <i>Registry Act</i> or the <i>Land Titles Act</i> , as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.
Final approval of plan	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.	(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.
Withdrawal of approval	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.	(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.
Duplicates	Duplicates
(60) In addition to any requirement under the <i>Registry Act</i> or the <i>Land Titles Act</i> , 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	(60) In addition to any requirement under the <i>Registry Act</i> or the <i>Land Titles Act</i> , 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

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or duplicates to the approval authority.	or duplicates to the approval authority.
Saving	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.	(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.
<i>[Sections 51.1 - 57]</i>	<i>[No Bill 139 amendments to Sections 51.1 - 57, except striking out “the Municipal Board” wherever it appears and substituting in each case “the Tribunal”; striking out “the fee prescribed under the Ontario Municipal Board Act” wherever it appears and substituting in each case “the fee charged under the Local Planning Appeal Tribunal, 2017”]</i>
PART VII GENERAL	PART VII GENERAL
<i>[Sections 58 - 70.7]</i>	<i>[No Bill 139 amendments to Sections 58 - 70.7, except striking out “the Municipal Board” and “the Board” wherever it appears and substituting in each case “the Tribunal”]</i>
	<u>Regulations re transitional matters, 2017 amendments</u>
	<u>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.</u>
	<u>Same</u>
	<u>(2) A regulation made under this section may, without limitation,</u>
	<u>(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;</u>
	<u>(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.</u>
	<u>Same</u>
	<u>(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 <i>Building Better Communities and Conserving Watersheds Act, 2017</i> receives Royal Assent but before the effective date, the regulation may also,</u>
	<u>(a) deem that the appeal was not made;</u>
	<u>(b) require the Tribunal to give a notice to an appellant,</u>

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	<u>specifying the period of time during which a new notice of appeal may be provided to the Tribunal;</u>
	<u>(c) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal;</u>
	<u>(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;</u>
	<u>(e) provide that specified provisions of the Act do not apply to matters and proceedings for a period of time specified in the regulations;</u>
	<u>(f) provide rules regarding the application of timelines specified in a regulation under clause 43 (1) (c) of the <i>Local Planning Appeal Tribunal Act, 2017</i> to specified appeals;</u>
	<u>(g) provide that, despite the <i>Local Planning Appeal Tribunal Act, 2017</i>, an appellant is not required to pay a fee charged under that Act.</u>
	<u>Conflict</u>
	<u>(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.</u>
	<u>Definition</u>
	<u>(5) In this section,</u>
	<u>“effective date” means the date on which section 17 of Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> comes into force.</u>
	<u>Conflict</u>
	<u>(6) No cause of action arises as a direct or indirect result of,</u> <u>(a) the enactment of this section;</u> <u>(b) the making or revocation of any provision of a regulation made under this section; or</u> <u>(c) anything done or not done in accordance with this section or a regulation made under it.</u>
	<u>No remedy</u>
	<u>(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).</u>
	<u>Proceedings barred</u>
	<u>(8) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is</u>

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	<u>directly or indirectly based on or related to anything referred to in subsection (6) may be brought or maintained against any person</u>
	<u>Same</u>
	<u>(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.</u>
	<u>Proceedings set aside</u>
	<u>(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.</u>
	<u>No expropriation or injurious affection</u>
	<u>(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.</u>
	<u>Person defined</u>
	<u>(12) In this section,</u> <u>“person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents.</u>
<i>[Sections 71 - 77]</i>	<i>[No Bill 139 amendments to Sections 71 - 77, except striking out “the Municipal Board” wherever it appears and substituting in each case “the Tribunal”]</i>