



**Table of Contents to Part I, Planning Act Amendments:
Planning and Conservation Land Statute Law
Amendment Act, 2006 (Bill 51)**

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➤ **Area of Employment**

- Definition (s. 1(1))
- Uses (s. 1(5))
- Updating Official Plan (s.26(1)(b))

➤ **Residential Unit**

- Definition (s. 1(1))

➤ **Provincial Interest**

- Updating Official Plan – “has regard to” (s. 26(1)(a))
- Where Board is Requested to Hold a Hearing Under s. 47(10), Minister May Notify Board of Matters of Provincial Interest (s. 47(13.1) to 47(13.5))

➤ **Provincial Plan**

- Definition (s. 1(1))
- Decisions “Shall Conform With” / “In Effect” (s. 3(5)(b))
- Comments “Shall Conform With” / “In Effect” (s. 3(6)(b))
- Updating Official Plan – “Conforms With” / “Does Not Conflict With” (s. 26(1)(a), 26(2))

➤ **Policy Statements**

- Decisions “Shall Be Consistent With” / “In Effect” (s. 3(5)(a))
- Comments “Shall Be Consistent With” / “In Effect” (s. 3(6)(a))
- Updating Official Plan – “Is Consistent With” (s. 26(1)(a))

➤ **Contents of Official Plan**

- Such other matters as may be prescribed (s. 16)

➤ **Updating Official Plan**

- Revise Official Plan
 - “Conforms With” / “Does Not Conflict With” Provincial Plans (s. 26(1)(a), 26(2))
 - “Has Regard to” Provincial Interest (s. 26(1)(a))
 - “Consistent With” Policy Statements (s. 26(1)(a))
 - Resolution Declaring to Approval Authority that Official Plan Meets the Above Requirements (s. 26(7))
- Revise Official Plan Where Policies Dealing With Areas of Employment (s. 26(1)(b))
- Consultation with Approval Authority (s. 26(3)(a))
- Special Meeting of Council (s. 26(3)(b))
 - Notice of Special Meeting (s. 26(4))
 - Regard to Written Submissions and Opportunity to be Heard (s. 26(5))

- Minister's order exempting a plan or proposed OPA from approval does not apply (s. 17(9), 26(6))
- Approval Authority May Direct Revision of Official Plan (s. 26(8))
- Amend Zoning By-laws Within Three Years (s. 26(9))
- Minister May Request Amendment to Non-Conforming Zoning By-law (s. 26(10))
- Open House (s. 17(16), 17(19.4))
- Restriction on right to appeal re Additional Units does not apply (s. 17(24.2), 17(36.2))

➤ **Community Improvement**

- Definition (s. 28(1))
 - Includes provision of affordable housing (s. 28(1.1))
- Designation of Community Improvement Project Area, includes Prescribed Upper-Tier Municipality (s. 28(2))
 - Upper-Tier Municipality's Community Improvement Plan May Only Deal With Prescribed Matters (s. 28(4.0.1))
- Grants / Loans for Eligible Costs (s. 28(7))
 - Eligible Costs (s. 28(7.1))
 - Upper and Lower-Tier Municipalities (s. 28(7.2))
 - Maximum Amount (s. 28(7.3))
 - Registration of Agreements (s. 28(11))

➤ **Process Changes**

- Consultation with Appropriate Approval Authority / Prescribed Public Bodies on Preparation of Plan (s. 17(15)(a), (b))
- Public Meeting (s. 17(15)(d), 34(12)(a)(ii))
 - Notice (s. 17(17), 34(13))
 - Timing (s. 17(19), 34(14.1))
 - Opportunity to Make Representations (s. 17(19.2), 34(14.2))
 - Where Alternative Procedures in Official Plan for Obtaining Views of Public (s. 17(19.3), 17(19.6), 34(14.3), 34(14.6))
 - Requirement Does not Apply if Council or Planning Board Refuses to Adopt Amendment (s. 22(3))
- Open House if Official Plan is revised under s. 26 or By-law required by s. 26(9) or related to development permit system (s. 17(16), 17(19.4), 34(12)(b), 34(14.4))
 - Notice (s. 17(17), 34(13))
 - Timing (s. 17(18), 34(14))
- Consultation with the Applicant Prior to Making Applications (s. 22(3.1), 34(10.0.1), 41(3.1), 51(16.1))
- Complete Application (s. 22(5) and 22(6), 34(10.2) and 34(10.3), 51(18) and 51(19), 53(3) and 53(4))
 - Other Information or Material Only if Official Plan Requirements (s. 22(5), 34(10.2), 51(18), 53(3))
 - Notification re Completeness (s. 22(6.1), 34(10.4), 51(19.1))
 - Board to Determine Whether Complete (s. 22(6.2) to 22(6.5)), 34(10.5) to 34(10.8), 51(19.2) to 51(19.5), 53(4.1) to 53(4.2))

- Information and Material to be made Available to the Public (s. 1.0.1, 17(15)(c), 17(19.2), 17(21), 22(6.4), 34(10.7), 34(12)(a)(i), 51(19.4))
- Notice of Refusal Within 15 Days After Refusal (s.22 (6.6), 34(10.9))
- Approval Authority (or OMB): have regard to decisions made by Council or approval authority / supporting information and material considered by Council or approval authority (s. 2.1)
- Notice of Requested Amendment/Application by Proponent of Undertaking (s. 22(7.0.1), 34(11.0.1), 51(34.1), 53(14.1))

➤ **Appeal/Hearing Changes**

- Restrictions on Right to Appeal
 - Area of Settlement (s. 22(7.1) and 22(7.2), 34(11.0.4))
 - Exception Where Requested Amendment is to Lower-Tier Official Plan and Conforms with Upper-Tier Official Plan (s. 22(7.4))
 - Areas of Employment, Where Official Plan Policies (s. 22(7.3), 34(11.0.5))
 - Additional Units (s. 17(24.1), 17(36.1), 22(7.1) and (7.2), 34(19.1))
 - Does not apply to s. 26 (s. 17(24.2), 17(36.2))
- Restrictions on Who Can Appeal (s. 17(24), 17(36), 22(7), 34(11), 34(19), 51(39), 51(43), 51(48))
 - Information to Public re Restrictions on Appeal at Public Meeting (s. 17(19.5), 34(14.5))
 - Conditions to be Met (s. 22(7.0.2))
 - Fails to Adopt Requested Amendment Within 180 Days
 - Refuses Requested Amendment

- Powers of Board on “Private Appeal” re Application for Amendment to a By-law (s. 34(11.0.2))
- Appeal Period for “Private Appeals” – within 20 days from notice of refusal (s. 22(7.0.3), 34(11.0.3))
- Record to Board to Include Prescribed Information and Material (s. 34(23))
- Who can be added as a Party (s. 17(44.1), 17(44.2), 34(24.1), 34(24.2), 51(52.1), 51(52.2))
 - Applies Despite SPPA (s. 17(44.7), 34(24.7), 51(52.7))
 - Does not apply to “Private Appeal” where requested amendment to Official Plan was not adopted within 180 days of request (s. 22(11))
- Restrictions on New Evidence At Hearing (s. 17(44.3) to 17(44.6), 34(24.3) to 34(24.6), 51(52.3) to 51(52.6))
 - Board shall have regard to Council’s/Approval Authority’s recommendation (s. 17(44.6), 34(24.6), 51(52.6))
 - Applies Despite SPPA (s. 17(44.7), 34(24.7), 51(52.7))
 - Does not apply to “Private Appeal” where requested amendment was not adopted within 180 days of request (s. 22(11))
- Withdrawal of Appeal (17(30.1), 22(9.2) and 22(9.3))
- Dismissal Without Hearing
 - On the initiative of Board or the motion of any party (s. 17(45), 34(25), 45(17), 47(12.1), 51(53), 53(31))
 - Abuse of Process (s. 17(45)(iv), 34(25)(a)(iv), 45(17(a)(iv), 47(12.1(a)(iv), 51(53)(a)(iv), 53(31)(a)(iv))
 - Repeal of s. 17(45)(b), 34(25)(a.1), 51(53)(b) (dismissal where no submissions)

- Application to which Appeal Relates is Substantially Different from Application Before Council (s. 17(45.1), 34(25.1.1), 51(53.1))
 - Does not apply to “Private Appeal” where requested amendment to Official Plan was not adopted within 180 days of request (s. 22(11))
- Despite SPPA, Board May Dismiss With or Without Holding Hearing (s. 17(46.1), 34(25.2), 51(54.1))
- Board does not have power to approve or modify any part of plan that is in effect or was not dealt with by Council (s. 17(50.1))

➤ **Pending Amendments**

- where amendment to Official Plan does not come into effect, pending by-law amendment is of no force and effect (s. 24(2.1)(b))

➤ **Zoning By-laws**

- Construction of Buildings or Structures – Authority to Regulate includes minimum and maximum density and minimum and maximum height (s. 34(3))
 - Does not apply to City of Toronto (s. 34(3.1))
- Zoning With Prescribed Conditions (s. 34(16))
 - Prescribed Conditions May Be Made Subject to Prescribed Limitations (s. 34(16.1))
 - Agreement with the Municipality (s. 34(16.2))
 - Does Not Apply to City of Toronto (s. 34(16.3))

➤ **Site Plan Control**

- Definition of Development – does not include placement of portable classroom if school site was in existence on Jan. 1, 2007 (s. 41(1.1))

- Enlargement of Site Plan Control (s. 41(4)(1), 41(4)(2)(d), (e) and (f))
- Exclusions from Site Plan Control (s. 41(4.1))
- Board to Determine Disputes (s. 41(4.2), 41(4.3))
- Site Plan Conditions (s. 41(7)(a), 41(7)(c.1), 41(8)(a))
- For the Most Part, Does Not Apply to City of Toronto (41(16))

➤ **Sustainability**

- Matters of Provincial Interest (s.2 (q))
- Site Plan Plans and Drawings (s.41(4)(d) and (e))
- Parkland Requirement Reduction (s.42(6.2), 42(6.3))

➤ **Conveyance of Land for Park Purposes**

- Payment Instead of Conveyance (s. 42(6))
- Parkland Requirement Reduction (s.42(6.2), 42(6.3))
- Determination of Value (s. 42(6.4))

➤ **Minor Variances**

- “In Effect” by-laws (s. 45(1))
- Not to Zoning Conditions Imposed Under s. 34(16) (s. 45(1.1))
- Agreement Re Terms and Conditions (s. 45(9.1), 45(9.2))

➤ **Power of Minister re Subdivision Control**

- Minister May Notify Board of Matters of Provincial Interest (s. 47(13.1) to 47(13.5))
- Board Decision Not Final Until Lieutenant Governor Confirms Decision (s. 47(13.4), 47(13.5))

➤ **Subdivision Control**

- Exceptions re Easement or Covenant Under the *Conservation Land Act* (s. 50(3)(h), 50(5)(g))
- Copy of By-law Designating Plan of Sub-Division to be Lodged in the Office of the Approval Authority (s. 50(26))
- Regard to be had to Supply, Use and Conservation of Energy (s. 51(24)(l))
- Regard to be had to the Interrelationship between Plan of Subdivision and Site Plan Control Matters (s. 51(24)(m))
- Dedication of Highways, Including Pedestrian Pathways, Bicycle Pathways and Public Transit Rights of Way (s. 51(25)(b))

➤ **Local Appeal Bodies** (s. 8.1(1) to 8.1(26))

- Definition (s. 1(1))
- Appeals under s. 45(12), 53(14), 53(19), 53(27) (s. 8.1(6))
 - Exception re Related Appeals at Board (s. 8.1(12), 8.1(13), 8.1(16))
- Powers of Local Appeal Body (s. 8.1(7))
- Appeal to Div. Court with Leave (s. 8.1(10))
- Withdrawal of Power by Minister (s. 8.1(18))
- Does not Apply to City of Toronto (s. 8.1(25))

➤ **Exempt Undertakings**

- Energy EAs exempt from *Planning Act* and from s. 113 or 114 of the *City of Toronto Act, 2006* (s. 62.0.1)

➤ **Regulations**

- Undertakings relating to Energy (s. 70(h))
- Replacement s. 70.1(1)
- Transitional Matters (s. 70.5))
 - Transitional Regulation may be retroactive to December 12, 2005

➤ **County of Oxford**

- By-law Appointing Committee of Adjustment (s. 77(3.1))

➤ **Delegation of Minister's Power**

- Reference to s. 50 of the *Condominium Act* struck out (s. 4(1))