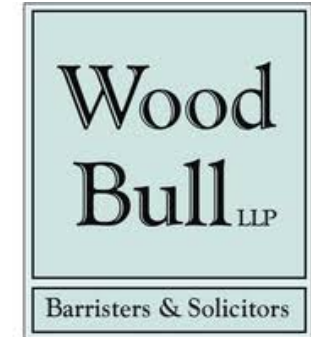


Planning Act Amendments Reinstate Broader Grounds for Appeals

Bill 108 Amendments to the *Planning Act*, in effect 3 September 2019.

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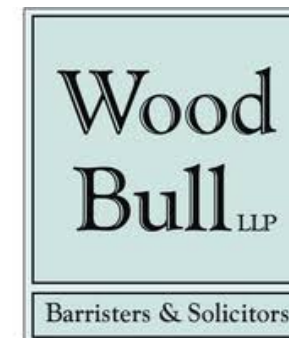


Section	Pre-Bill 139	Bill 139	Bill 108
Approval authorities and Tribunal to have regard to certain matters - 2.1(1)	<p>When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to,</p> <p>a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and</p> <p>b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a).</p>	<p>When an approval authority makes a decision under subsection 17 (34) or the Tribunal makes a decision 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), it shall have regard to,</p> <p>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</p> <p>(b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a).</p>	<p>When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to,</p> <p>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</p> <p>b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a).</p>
<p>Official Plan, Adopted Amendment - 17(24)</p> <p>No changes - provided for context</p>	<p>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:</p> <ol style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. The appropriate approval authority. 4. In the case of a request to amend the plan, the person or public body that made the request. 	<p>If the plan is exempt from approval, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:</p> <ol style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. The appropriate approval authority. 4. In the case of a request to amend the plan, the person or public body that made the request. 	<p>If the plan is exempt from approval, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:</p> <ol style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. The appropriate approval authority. 4. In the case of a request to amend the plan, the person or public body that made the request.
Official Plan, Adopted Amendment- 17(24.0.1)	No Provision	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.	Repealed

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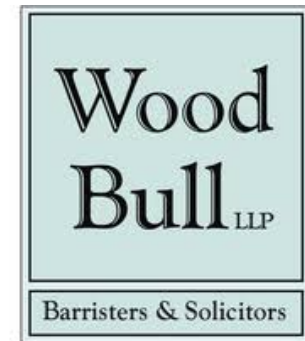


Section	Pre-Bill 139	Bill 139	Bill 108
Official Plan, Adopted Amendment - 17(25(b))	<p>The notice of appeal filed under subsection (24) must,</p> <ul style="list-style-type: none"> a) set out the specific part of the plan to which the notice applies; b) set out the reasons for the appeal; and c) be accompanied by the fee prescribed under the Ontario Municipal Board Act. 	<p>The notice of appeal filed under subsection (24) must,</p> <ul style="list-style-type: none"> a) set out the specific part of the plan to which the notice applies; b) 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 charged under the Local Planning Appeal Tribunal Act, 2017. 	<p>The notice of appeal filed under subsection (24) must,</p> <ul style="list-style-type: none"> a) set out the specific part of the plan to which the notice applies; b) set out the reasons for the appeal; and c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
Official Plan, Adopted Amendment - 17(25.1)	<p>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.</p>	<p>Repealed</p>	<p>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.</p>
<p>Official Plan, Approved Amendment - 17(36)</p> <p>No changes - provided for context</p>	<p>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:</p> <ul style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. In the case of a request to amend the plan, the person or public body that made the request. 	<p>Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:</p> <ul style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. In the case of a request to amend the plan, the person or public body that made the request. 	<p>Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:</p> <ul style="list-style-type: none"> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council. 2. The Minister. 3. In the case of a request to amend the plan, the person or public body that made the request.

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Bill 108 Amendments to the *Planning Act*

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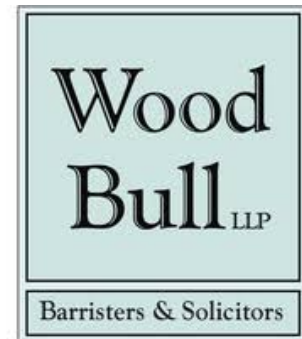


Section	Pre-Bill 139	Bill 139	Bill 108
Official Plan, Approved Amendment - 17(36.0.1)	No Provision	An appeal under subsection (36) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails 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.	Repealed
Official Plan, Approved Amendment - 17(37)	The notice of appeal under subsection (36) must, a) set out the specific part or parts of the plan to which the notice of appeal applies; b) set out the reasons for the appeal; and c) be accompanied by the fee prescribed under the Ontario Municipal Board Act.	The notice of appeal under subsection (36) must, a) set out the specific part or parts of the plan to which the notice of appeal applies; b) 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 charged under the Local Planning Appeal Tribunal Act, 2017.	The notice of appeal under subsection (36) must, a) set out the specific part or parts of the plan to which the notice of appeal applies; b) set out the reasons for the appeal; and c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
Official Plan, Approved Amendment - 17(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.	Repealed	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.

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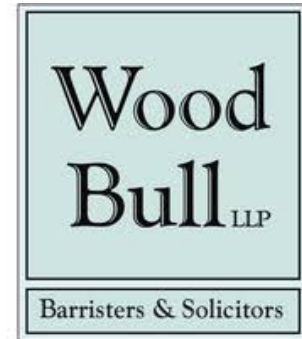


Section	Pre-Bill 139	Bill 139	Bill 108
<p>Official Plan, Failure to Give Notice - 17(40)</p> <p>Provided for context</p>	<p>If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, or 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).</p>	<p>If the approval authority fails to give notice of a decision in respect of all or part of a plan within 210 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 Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).</p>	<p>If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority:</p> <ol style="list-style-type: none"> 1. The municipality that adopted the plan. 2. The Minister, if the Minister is not the approval authority. 3. In the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment.
<p>Official Plan, Notice of Appeal - 17(41)</p> <p>No changes - provided for context</p>	<p>A notice of appeal filed under subsection (40) must,</p> <ol style="list-style-type: none"> 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 Ontario Municipal Board Act. 	<p>A notice of appeal filed under subsection (40) must,</p> <ol style="list-style-type: none"> a) set out the specific part of the plan to which the appeal applies, if the notice does not apply to all of the plan; and b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 	<p>A notice of appeal filed under subsection (40) must,</p> <ol style="list-style-type: none"> a) set out the specific part of the plan to which the appeal applies, if the notice does not apply to all of the plan; and b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
<p>Official Plan, Request for Amendment - 22(7)</p> <p>No changes - provided for context</p>	<p>When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the 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:</p> <ol style="list-style-type: none"> 1. The person or public body that requested the amendment. 2. The Minister. 3. The appropriate approval authority. 	<p>When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the Tribunal in respect of all or any part of the requested amendment, by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board, if one of the conditions set out in subsection (7.0.2) is met:</p> <ol style="list-style-type: none"> 1. The person or public body that requested the amendment. 2. The Minister. 3. The appropriate approval authority. 	<p>When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the Tribunal in respect of all or any part of the requested amendment, by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board, if one of the conditions set out in subsection (7.0.2) is met:</p> <ol style="list-style-type: none"> 1. The person or public body that requested the amendment. 2. The Minister. 3. The appropriate approval authority.

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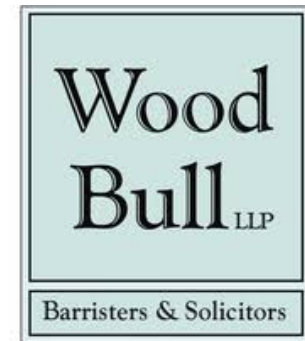


Section	Pre-Bill 139	Bill 139	Bill 108
Official Plan, Request for Amendment - 22(7.0.0.1)	No Provision	<p>An appeal under subsection (7) may only be made on the basis that,</p> <p>a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with 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</p> <p>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.</p>	Repealed
<p>Official Plan, Request for Amendment - 22(7.0.2)</p> <p>Provided for context</p>	<p>The conditions referred to in subsections (7) and (7.0.1) are:</p> <ol style="list-style-type: none"> 1. The council or the planning board 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 days after the day the request is received. 3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment. 4. A planning board refuses to approve a requested amendment under subsection 18 (1). 	<p>The conditions referred to in subsections (7) and (7.0.1) are:</p> <ol style="list-style-type: none"> 1. The council or the planning board fails to adopt the requested amendment within 210 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 210 days after the day the request is received. 3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment. 4. A planning board refuses to approve a requested amendment under subsection 18 (1). 	<p>The conditions referred to in subsections (7) and (7.0.1) are:</p> <ol style="list-style-type: none"> 1. The council or the planning board fails to adopt the requested amendment within 120 days after the day the request is received. 2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 120 days after the day the request is received. 3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment. 4. A planning board refuses to approve a requested amendment under subsection 18 (1).

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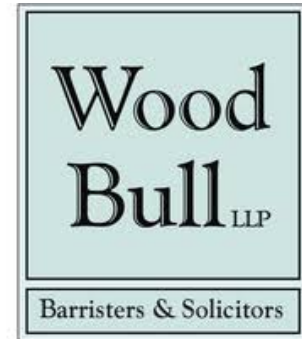


Section	Pre-Bill 139	Bill 139	Bill 108
<p>Official Plan, Request for Amendment - 22(8)</p> <p>Provided for context</p>	<p>A notice of appeal under subsection (7) shall,</p> <p>a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; and</p> <p>b) be accompanied by the fee prescribed under the Ontario Municipal Board Act.</p>	<p>A notice of appeal under subsection (7) shall,</p> <p>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;</p> <p>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;</p> <p>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, 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</p> <p>b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.</p>	<p>A notice of appeal under subsection (7) shall,</p> <p>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;</p> <p>b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.</p>
<p>Zoning by-laws - 34(11)</p> <p>Provided for context</p>	<p>Subject to subsection (11.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within <u>120</u> days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal, 2017</i>.</p>	<p>Subject to subsection (11.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within <u>150</u> days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal, 2017</i>.</p>	<p>Subject to subsection (11.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within <u>90</u> days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal, 2017</i>.</p>
<p>Zoning by-laws - 34(11.0.0.1)</p> <p>Provided for context</p>	<p>No Provision</p>	<p>If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 210 days after the receipt by the clerk of the application.</p>	<p>If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 120 days after the receipt by the clerk of the application.</p>

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Zoning by-laws - 34(11.0.0.0.2)	No Provision	<p>An appeal under subsection (11) may only be made on the basis that,</p> <p>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</p> <p>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.</p>	Repealed
<p>Zoning by-laws - 34(19)</p> <p>Provided for Context [Underlining added]</p>	<p>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 <u>a notice of appeal setting out the objection to the by-law and the reasons in support of the objection</u>, accompanied by the fee prescribed under the Ontario Municipal Board Act:</p> <ol style="list-style-type: none"> 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister. 	<p>Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister. 	<p>Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality <u>a notice of appeal setting out the objection to the by-law and the reasons in support of the objection</u>, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister.
Zoning by-laws - 34(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.	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.	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.
Zoning by-laws - 34(19.0.2)	No Provision	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.	Repealed