

Bill 139 - Notice of Proposed Regulations Posted for Public Consultation

The Province has posted for public consultation the following notices of proposed regulations under the *Planning Act*, regarding Bill 139 (*Building Better Communities and Conserving Watersheds Act, 2017*):

- [Proposed new regulation under the Planning Act to prescribe transitional provisions for the Building Better Communities and Conserving Watersheds Act, 2017 \(Bill 139\)](#) (EBR No. 013-1788); and
- [Proposed amendments to matters included in existing regulations under the Planning Act relating to the Building Better Communities and Conserving Watersheds Act, 2017 \(Bill 139\)](#) (EBR No. 013-1790)

The above are subject to a 45-day public commenting period, which ends on 21 January 2018. Descriptions of the proposed regulations are posted on the Province's Environmental Registry (www.ebr.gov.on.ca) and reproduced below. Wood Bull LLP will provide detailed commentary in a future Wood Bulletin and/or Wood Bull blog post.

PROPOSED NEW REGULATION UNDER THE PLANNING ACT TO PRESCRIBE TRANSITIONAL PROVISIONS FOR THE BUILDING BETTER COMMUNITIES AND CONSERVING WATERSHEDS ACT, 2017 (BILL 139)

DESCRIPTION OF REGULATION:

Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017 was introduced on May 30, 2017. The Bill proposes to make changes to the Planning Act and introduce new legislation to replace the Ontario Municipal Board Act with the Local Planning Appeal Tribunal Act to give communities a stronger voice in land use planning.

If Bill 139 is passed by the Legislature and receives Royal Assent, the proposed transition regulation would set out rules for planning matters in process at the time of proclamation of the Bill 139 changes to the Planning Act and would provide certainty regarding the processing and decision-making on planning matters. Changes to the Planning Act through Bill 139 not addressed in the proposed transition regulation would apply immediately upon the coming into force of those changes.

PROPOSED CONTENT:

It is proposed that the application of the Bill 139 changes identified below be transitioned as follows:

- Removing appeals of provincial approvals of official plans and official plan updates, including for conformity exercises to provincial plans – these provisions would apply to provincial decisions in respect of which notice is given after the Bill comes into force;
- Restricting the grounds of appeal of a decision on an official plan/amendment or zoning by-law/amendment to consistency and/or conformity with provincial and/or local plans would apply to:
 - appeals of decisions on those matters in respect of which notice is given after the Bill comes into force (i.e., appeals made during appeal periods that begin after the Bill comes into force); and

(Continued on page 2)

(Continued from page 1)

- appeals of decisions made before proclamation in respect of:
 - complete applications made after Royal Assent
 - municipally-initiated official plan amendments that are adopted after Royal Assent; and
 - municipally-initiated zoning by-law amendments that are passed after Royal Assent;
- Restricting the grounds of a non-decision appeal on an application for an official plan amendment or zoning by-law amendment to consistency and/or, conformity with provincial and/or local plans would apply to:
 - appeals of non-decisions made after the Bill comes into force; and
 - appeals of non-decisions made before proclamation in respect of complete applications made after Royal Assent;
- The removal of mandatory referrals of Minister's zoning orders would apply to requests to refer made after the Bill comes into force;
- The removal of appeals (other than by the province) of interim control by-laws when first passed (for a period of up to 1 year) would apply to decisions made after the Bill comes into force;
- The restriction on the ability to amend secondary plans for 2 years following their approval, unless allowed by council, would apply to applications for amendments to secondary plans that come into effect after the Bill comes into force;
- The extension for decision timelines on applications for official plan amendments and zoning by-law amendments would apply to complete applications submitted after Royal Assent and the extension for decision timelines for approval authorities on adopted official plans/amendments would apply to official plans/amendments adopted after Royal Assent.

**PROPOSED AMENDMENTS TO MATTERS INCLUDED IN EXISTING REGULATIONS
UNDER THE PLANNING ACT RELATING TO THE BUILDING BETTER COMMUNITIES AND
CONSERVING WATERSHEDS ACT, 2017 (BILL 139)**

DESCRIPTION OF REGULATION:

Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017 was introduced on May 30, 2017. The Bill proposes to make changes to the Planning Act and introduce new legislation to replace the Ontario Municipal Board Act with the Local Planning Appeal Tribunal Act to give communities a stronger voice in land use planning.

If Bill 139 is passed by the Legislature and receives Royal Assent, the proposed regulatory changes would update tribunal references from “Ontario Municipal Board” to “Local Planning Appeal Tribunal”, where applicable. They would also require explanations of how planning proposals conform with local planning documents; clarify requirements for municipal notices and make other technical changes.

PROPOSED CONTENT:

Regulations under the Planning Act currently include minimum requirements with respect to the information that must be submitted with each land use planning application and what information must be included in the record of materials sent to the OMB on an appeal

It is proposed that the applicable above matters be updated in O. Reg. 543/06 “Official Plans and Plan Amendments”, O. Reg. 545/06 “Zoning By-Laws, Holding By-Laws and Interim Control By-Laws”, O. Reg. 544/06 “Plans of Subdivision”, O. Reg.

(Continued on page 3)

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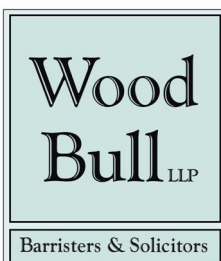
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*(Continued from page 2)*

197/96 “Consent Applications”, O. Reg. 200/96 “Minor Variance Applications”, O. Reg. 549/06 “Prescribed Time Period – Subsections 17 (44.4), 34 (24.4) and 51 (52.4) of the Act”, O. Reg. 551/06 “Local Appeal Bodies”, O. Reg. 173/16 “Community Planning Permits” by:

- Revising what information is to be included in the giving of notice e.g. some decisions would be final and not subject to appeal;
- Revising what information and material is to be included in a complete application e.g. to include how an application conforms with the relevant official plan(s);
- Revising what is required to be forwarded to the Local Planning Appeal Tribunal on an appeal e.g. the municipal statement would need to indicate whether the decision conforms with the relevant official plan(s);
- Replacing references to Ontario Municipal Board with Local Planning Appeal Tribunal; and/or
- Updating relevant legislative cross-references.

The purpose for updating these existing regulations is to facilitate implementation of the proposed changes identified in Bill 139.

This **Wood Bulletin** is intended to provide general information, updates and commentary, and should not be relied upon as legal advice. For more information, please feel free to contact any of the lawyers, planners or our main office line at 416-203-7160.

RELEVANT WEBSITE LINKS

- Bill 139, reprinted as amended by the Standing Committee on Social Policy and as reported to the Legislative Assembly November 15, 2017: www.ontla.on.ca/bills/bills-files/41_Parliament/Session2/b139rep_e.pdf
- Hansard Debates on Bill 139: www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=4936&detailPage=bills_detail_debates
- Wood Bull Blogs, on topics of planning and development law and practice, including heritage matters: www.woodbull.ca/blog