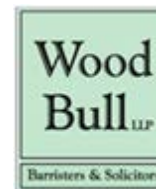


## Bill 108 Amendments to the *Planning Act*



Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

The following table provides a comparison of the *Planning Act*, with the amendments of Bill 108 (shown in blue, with strikeouts in red). 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 108, available [here](#).

<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<i>Planning Act</i> , R.S.O. 1990, CHAPTER P.13	<i>Planning Act</i> , R.S.O. 1990, CHAPTER P.13
<b>PART I PROVINCIAL ADMINISTRATION</b>	<b>PART I PROVINCIAL ADMINISTRATION</b>
<b>Approval authorities and Tribunal to have regard to certain matters</b>	<b>Approval authorities and Tribunal to have regard to certain matters</b>
2.1 (1) 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,	2.1 (1) When an approval authority <u>or the Tribunal</u> makes a decision under <del>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);</del> <u>this Act that relates to a planning matter,</u> it shall have regard to,
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
(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).
<b>Same, Tribunal</b>	<b>Same, Tribunal</b>
(2) When the Tribunal makes a decision in respect of an appeal referred to in subsection 17 (40), 51 (34) or 53 (14), the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.	(2) When the Tribunal makes a decision <del>in respect of an appeal referred to in subsection 17 (40), 51 (34) or 53 (14)</del> <u>under 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> the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Same</b>	<b>Same</b>
(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.
<b>PART III OFFICIAL PLANS</b>	<b>PART III OFFICIAL PLANS</b>
<b>Contents of official plan</b>	<b>Contents of official plan</b>
<b>16.</b> (1) An official plan shall contain,	<b>16.</b> (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;
(a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing;	(a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing;
(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.
<b>Same</b>	<b>Same</b>
(2) An official plan may contain,	(2) An official plan may contain,
(a) a description of the measures and procedures proposed to attain the	(a) a description of the measures and procedures proposed to attain the

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
objectives of the plan;	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.
<b>Second unit policies</b>	<del>Second unit policies</del> <u>Additional residential units policies</u>
(3) An official plan shall contain policies that authorize the use of a second residential unit by authorizing,	(3) An official plan shall contain policies that authorize the use of <del>a second</del> <u>additional</u> residential units by authorizing,
(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 <del>if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit;</del> 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 <del>if the detached house, semi-detached house or rowhouse contains a single residential unit.</del>
<b>Inclusionary zoning policies</b>	<b>Inclusionary zoning policies</b>
(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.
<b>Same</b>	<b>Same</b>
(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) <u>in respect of:-</u>
	<u>(a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or</u>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#"><u>(b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2(1).</u></a>
	<a href="#"><u>Adoption of inclusionary zoning policies</u></a>
	<a href="#"><u>(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,</u></a>
	<a href="#"><u>(a) that identify an area as the protected major transit station area described in clause (5) (a); or</u></a>
	<a href="#"><u>(b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established.</u></a>
<b>Goals and objectives</b>	<b>Goals and objectives</b>
(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.
<b>Prescribed provisions and matters</b>	<b>Prescribed provisions and matters</b>
(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.
<b>No limitation</b>	<b>No limitation</b>
(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.
<b>Assessment report</b>	<b>Assessment report</b>
(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.
<b>Updating of assessment report</b>	<b>Updating of assessment report</b>
(10) Within five years after the parts of its official plan which contain policies	(10) Within five years after the parts of its official plan which contain policies

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<b><i>Planning Act</i></b>	<b><i>Planning Act with Bill 108 Amendments</i></b>
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	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
<b>Periodic updating</b>	<b>Periodic updating</b>
(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.
<b>Requirements relating to assessment reports</b>	<b>Requirements relating to assessment reports</b>
(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.
<b>Assessment reports to be made available to public</b>	<b>Assessment reports to be made available to public</b>
(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 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.	(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 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.
<b>Climate change policies</b>	<b>Climate change policies</b>
(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.	(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.
<b>Protected major transit station areas – single-tier municipality</b>	<b>Protected major transit station areas – single-tier municipality</b>
(15) The official plan of a single-tier municipality may include policies that	(15) The official plan of a single-tier municipality may include policies that

## Bill 108 Amendments to the *Planning Act*

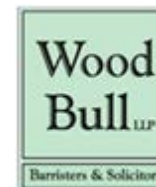
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identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station area and that delineate the area's boundaries, and if the official plan includes such policies it must also contain policies that,	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,
(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;	(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
(b) identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and	(b) identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
(c) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.	(c) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.
<b>Same, upper-tier municipality</b>	<b>Same, upper-tier municipality</b>
(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,	(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,
(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area; and	(a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area; and
(b) require official plans of the relevant lower-tier municipality or municipalities to include policies that, <ul style="list-style-type: none"> <li>(i) identify the authorized uses of land in the area and of buildings or structures on lands in the area; and</li> <li>(ii) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.</li> </ul>	(b) require official plans of the relevant lower-tier municipality or municipalities to include policies that, <ul style="list-style-type: none"> <li>(i) identify the authorized uses of land in the area and of buildings or structures on lands in the area; and</li> <li>(ii) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.</li> </ul>
<b>Failure to amend official plan</b>	<b>Failure to amend official plan</b>
(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	(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

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	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.
<b>No exemption under subs. 17 (9)</b>	<b>No exemption under subs. 17 (9)</b>
(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:	(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:
1. Adds all of the policies described in subsection (15) to the official plan.	1. Adds all of the policies described in subsection (15) to the official plan.
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).	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).
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).	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).
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.	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.
<b>Authorization under subs. 17 (10) does not apply</b>	<b>Authorization under subs. 17 (10) does not apply</b>
(19) An authorization under subsection 17 (10) does not apply to an amendment to an official plan of a lower-tier municipality that,	(19) An authorization under subsection 17 (10) does not apply to an amendment to an official plan of a lower-tier municipality that,
(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	(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
(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	(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

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
accordance with subsection (16).	accordance with subsection (16).
<b>Approvals</b>	<b>Approvals</b>
<b>17.</b> (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.	<b>17.</b> (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.
<b>Approval by upper-tier municipality</b>	<b>Approval by upper-tier municipality</b>
(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).
<b>Upper-tier become approval authority</b>	<b>Upper-tier become approval authority</b>
(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).
<b>Removal of power</b>	<b>Removal of power</b>
(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.
<b>Transfer of approval authority</b>	<b>Transfer of approval authority</b>
(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	(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



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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.	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.
<b>Revocation</b>	<b>Revocation</b>
(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.
<b>Exemption</b>	<b>Exemption</b>
(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 proposed official plan amendments.	(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 proposed official plan amendments.
<b>Authority to exempt</b>	<b>Authority to exempt</b>
(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.
<b>Conditions</b>	<b>Conditions</b>
(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.
<b>Removal of exemption or authorization</b>	<b>Removal of exemption or authorization</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

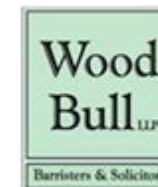
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
under subsection (9) or (10) or any authorization made under subsection (10).	under subsection (9) or (10) or any authorization made under subsection (10).
<b>Mandatory adoption</b>	<b>Mandatory adoption</b>
(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.
<b>Discretionary adoption</b>	<b>Discretionary adoption</b>
(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.
<b>Consultation and public meeting</b>	<b>Consultation and public meeting</b>
(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 respect of the current proposed plan.	(d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan.
<b>Open house</b>	<b>Open house</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
clause (15) (c).	clause (15) (c).
<b>Notice</b>	<b>Notice</b>
(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.
<b>Time for provision of copy to Minister</b>	<b>Time for provision of copy to Minister</b>
(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).
<b>Timing of open house</b>	<b>Timing of open house</b>
(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.
<b>Timing of public meeting</b>	<b>Timing of public meeting</b>
(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.
<b>Information and material</b>	<b>Information and material</b>
(19.1) The information and material referred to in clause (15) (c), including a	(19.1) The information and material referred to in clause (15) (c), including a

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<b><i>Planning Act</i></b>	<b><i>Planning Act with Bill 108 Amendments</i></b>
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.	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.
<b>Participation in public meeting</b>	<b>Participation in public meeting</b>
(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.
<b>Alternative procedure</b>	<b>Alternative procedure</b>
(19.3) If an official plan sets out alternative measures for 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.	(19.3) If an official plan sets out alternative measures for 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.
<b>Same</b>	<b>Same</b>
(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).
<b>Transition</b>	<b>Transition</b>
(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.
<b>Information</b>	<b>Information</b>
(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).

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Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Where alternative procedures followed</b>	<b>Where alternative procedures followed</b>
(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.
<b>Submissions</b>	<b>Submissions</b>
(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.
<b>Comments</b>	<b>Comments</b>
(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.
<b>Adoption of plan</b>	<b>Adoption of plan</b>
(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 approval.	(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 approval.
<b>Notice</b>	<b>Notice</b>
(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

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(c) to any other person or public body that is prescribed.	(c) to any other person or public body that is prescribed.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(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.
<b>Right to appeal</b>	<b>Right to appeal</b>
(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 Tribunal 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 Tribunal 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.
<b>Basis for appeal</b>	<del><b>Basis for appeal</b></del>

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Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(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.	<del>(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.</del>
<b>No appeal re second unit policies</b>	<b>No appeal re second unit policies</b>
(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.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(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.
<b>No appeal re inclusionary zoning policies</b>	<b>No appeal re inclusionary zoning policies</b>
(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.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(24.1.3) Subsection (24.1.2) does not apply to an appeal by the Minister.	(24.1.3) Subsection (24.1.2) does not apply to an appeal by the Minister.
	<b><u>No appeal re certain matters</u></b>
	<u>(24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan,</u>
	<u>(a) before a development permit system may be adopted or established; or</u>
	<u>(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.</u>
	<b><u>Limitation</u></b>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#"><u>(24.1.5) Subsection (24.1.4) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.</u></a>
	<a href="#"><u>Exception re Minister</u></a>
	<a href="#"><u>(24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister.</u></a>
<b>No global appeal</b>	<b>No global appeal</b>
(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.
<b>Same</b>	<b>Same</b>
(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).
<b>No appeal re certain matters</b>	<b>No appeal re certain matters</b>
(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).
<b>Same</b>	<b>Same</b>
(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 of the <i>Lake Simcoe Protection Act, 2008</i> ,	(ii) the Lake Simcoe watershed as defined in section 2 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	(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



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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
that Act, or	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.
<b>Notice of appeal</b>	<b>Notice of appeal</b>
(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) 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	(b) <del>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</del> <u>set out the reasons for appeal</u> ; and
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	version of the <i>Planning Act</i> .
(c) be accompanied by the charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .	(c) be accompanied by the charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .
	<u>Same</u>
	<u>(25.1) 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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Timing</b>	<b>Timing</b>
(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) <u>and</u> , (36) <del>and (41.1)</del> , 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.
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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.
<b>Extension of time</b>	<b>Extension of time</b>
(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.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.
<b>Decision final</b>	<b>Decision final</b>
(27) If one or more persons or public bodies have a right of appeal filed under subsection (24) in respect of all or part of the decision of council, but no notice of appeal is filed under that subsection and the time for filing appeals has expired,	(27) If one or more persons or public bodies have a right of appeal filed under subsection (24) in respect of all or part of the decision of council, but no notice of appeal is filed under that subsection 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	(a) the decision of council or the part of the decision that is not the subject of

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
an appeal is final; and	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.
<b>Same</b>	<b>Same</b>
(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,	(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,
(a) the decision of council is final; and	(a) the decision of council is final; and
(b) the plan that was adopted comes into effect as an official plan on the day after the day it was adopted.	(b) the plan that was adopted comes into effect as an official plan on the day after the day it was adopted.
<b>Declaration</b>	<b>Declaration</b>
(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.
<b>Forwarding of record, etc.</b>	<b>Forwarding of record, etc.</b>
(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 charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal;	(b) the record, the notice of appeal and the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> are forwarded to the Tribunal 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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
does not wish to receive copies of the notices of appeal and the records; and	does not wish to receive copies of the notices of appeal and the records; and
(d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.	(d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.
<b>Exception</b>	<b>Exception</b>
(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 Tribunal 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 Tribunal and under clause (29) (c) to the appropriate approval authority.
<b>Where appeals withdrawn</b>	<b>Where appeals withdrawn</b>
(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.
<b>Withdrawal of appeals</b>	<b>Withdrawal of appeals</b>
(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 Tribunal 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 Tribunal 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.
<b>Same</b>	<b>Same</b>
(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.

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<b>Record</b>	<b>Record</b>
(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.
<b>Other information</b>	<b>Other information</b>
(32) An approval authority may require that a council provide such other information or material that the approval authority considers it may need.	(32) An approval authority may require that a council provide such other information or material that the approval authority considers it may need.
<b>Refusal to consider</b>	<b>Refusal to consider</b>
(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.
<b>Action by approval authority</b>	<b>Action by approval authority</b>
(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.
<b>Exception, non-conforming lower-tier plan</b>	<b>Exception, non-conforming lower-tier plan</b>
(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	(b) a new official plan of the upper-tier municipality that was adopted before

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the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect; or	the <del>210th</del> <u>120th</u> 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 210th 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 <del>210th</del> <u>120th</u> day after the lower-tier municipality adopted its plan, but is not yet in effect.
<b>No restriction</b>	<b>No restriction</b>
(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.
<b>Notice</b>	<b>Notice</b>
(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 be notified of the decision;	(b) each person or public body that made a written request to 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.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written submissions</b>	<b>Written submissions</b>
(35.2) Clause (35.1) (a) applies to any written submissions relating to the	(35.2) Clause (35.1) (a) applies to any written submissions relating to the

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plan that were made to the approval authority before its decision.	plan that were made to the approval authority before its decision.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</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 Tribunal 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 Tribunal 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.
<b>Basis for appeal</b>	<del><b>Basis for appeal</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>No appeal re second unit policies</b>	<b>No appeal re second unit policies</b>
(36.1) Despite subsection (36), there is no appeal in respect of the policies	(36.1) Despite subsection (36), there is no appeal in respect of the policies



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described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.	described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(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.
<b>No appeal re inclusionary zoning policies</b>	<b>No appeal re inclusionary zoning policies</b>
(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.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(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.
<b>No appeal re protected major transit station policies</b>	<b>No appeal re protected major transit station policies</b>
(36.1.4) Despite subsection (36), there is no appeal in respect of the following:	(36.1.4) Despite subsection (36), there is no appeal in respect of the following:
1. Policies that identify a protected major transit station area in accordance with subsection 16 (15) or (16), including any changes to those policies.	1. Policies that identify a protected major transit station area in accordance with subsection 16 (15) or (16), including any changes to those policies.
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).	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).
3. Policies in a lower-tier municipality's official plan that are described in subclause 16 (16) (b) (i) or (ii).	3. Policies in a lower-tier municipality's official plan that are described in subclause 16 (16) (b) (i) or (ii).
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).	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).
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	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

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(16).	(16).
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).	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).
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).	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).
<b>Limitation</b>	<b>Limitation</b>
(36.1.5) Paragraphs 3, 5 and 7 of subsection (36.1.4) apply only if,	(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	(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.	(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.
<b>Exception</b>	<b>Exception</b>
(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.	(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.

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<b>Exception re Minister</b>	<b>Exception re Minister</b>
(36.1.7) Subsection (36.1.4) does not apply to an appeal by the Minister.	(36.1.7) Subsection (36.1.4) does not apply to an appeal by the Minister.
	<b><u>No appeal re certain matters</u></b>
	<u>(36.1.8) Despite subsection (36), there is no appeal in respect of any parts of an official plan that must be contained in the plan,</u>
	<u>(a) before a development permit system may be adopted or established; or</u>
	<u>(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.</u>
	<b><u>Limitation</u></b>
	<u>(36.1.9) Subsection (36.1.8) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.</u>
	<b><u>Exception re Minister</u></b>
	<u>(36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister.</u>
<b>No global appeal</b>	<b>No global appeal</b>
(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.	(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.
<b>Same</b>	<b>Same</b>
(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).

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<b>No appeal re certain matters</b>	<b>No appeal re certain matters</b>
(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).
<b>No appeal re decision by Minister</b>	<b>No appeal re decision by Minister</b>
(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.	(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.
<b>Contents of notice</b>	<b>Contents of notice</b>
(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) 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	(b) <del>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</del> <u>set out the reasons for the appeal</u> ; and
(c) be accompanied by the fee charged under <i>the Local Planning Appeal Tribunal Act, 2017</i> .	(c) be accompanied by the fee charged under <i>the Local Planning Appeal Tribunal Act, 2017</i> .
(37.1) Repealed: 2017, c. 23, Sched. 3, s. 6 (12).	(37.1) <del>Repealed: 2017, c. 23, Sched. 3, s. 6 (12).</del> <u>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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .

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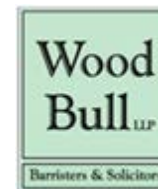
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<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(37.2) When a notice of appeal is filed under subsection (36), the approval authority may use mediation, conciliation or other dispute resolution techniques to 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.
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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 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 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.
<b>Extension of time</b>	<b>Extension of time</b>
(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.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.

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<b>Decision final</b>	<b>Decision final</b>
(38) If one or more persons or public bodies have a right of appeal under subsection (36) in respect of all or part of the decision of the approval authority, but no appeal is filed under that subsection and the time for filing appeals has expired,	(38) If one or more persons or public bodies have a right of appeal under subsection (36) in respect of all or part of the decision of the approval authority, but no appeal is filed under that subsection 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.
<b>Same</b>	<b>Same</b>
(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,	(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,
(a) the decision of the approval authority is final; and	(a) the decision of the approval authority is final; and
(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.	(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.
<b>Withdrawal of appeals</b>	<b>Withdrawal of appeals</b>
(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 Tribunal 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 Tribunal 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 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.	(b) the plan or part of the plan that was approved and in 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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(40) 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).	(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within <del>210</del> <u>120</u> days after the day the plan is received by the approval authority, <del>or within the longer period determined under subsection (40.1), any person or public body</del> <u>of the following</u> 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, <del>subject to subsection (41.1).</del>
	<u>1. The municipality that adopted the plan.</u>
	<u>2. The Minister, if the Minister is not the approval authority.</u>
	<u>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.</u>
<b>Extension of time for appeal</b>	<del><b>Extension of time for appeal</b></del>
(40.1) The 210-day period referred to in subsection (40) may be extended in accordance with the following rules:	<del>(40.1) The 210-day period referred to in subsection (40) may be extended in accordance with the following rules:</del>
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.	<del>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.</del>
2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.	<del>2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.</del>
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.	<del>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.</del>
4. The notice must be given before the expiry of the 210-day period.	<del>4. The notice must be given before the expiry of the 210-day period.</del>
5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.	<del>5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.</del>
6. The person, public body, municipality or approval authority that gave	<del>6. The person, public body, municipality or approval authority that gave</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
or received a notice extending the period may terminate the extension at any time by another written notice.	<del>or received a notice extending the period may terminate the extension at any time by another written notice.</del>
7. No notice of an extension or of the termination of an extension need be given to any other person or entity.	<del>7. No notice of an extension or of the termination of an extension need be given to any other person or entity.</del>
<b>Exception, non-conforming lower-tier plan</b>	<b>Exception, non-conforming lower-tier plan</b>
(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 210 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 <del>210</del> <u>120</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,
(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 210th 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 <del>210th</del> <u>120th</u> 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 210th 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 <del>210th</del> <u>120th</u> day after the lower-tier municipality adopted its plan, but is not yet in effect.
<b>No review</b>	<b>No review</b>
(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Tribunal.	(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Tribunal.
<b>Time for appeal</b>	<b>Time for appeal</b>
(40.4) If the approval authority states an opinion as described in subsection (40.2), the 210-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 <del>210</del> <u>120</u> -day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved.
<b>Notice of appeal</b>	<b>Notice of appeal</b>
(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	(a) set out the specific part of the plan to which the appeal applies, if the



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notice does not apply to all of the plan; and	notice does not apply to all of the plan; and
(b) be accompanied by the fee-the fee_charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .	(b) be accompanied by the fee-the fee_charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .
<b>Notice limiting appeal period</b>	<b>Notice limiting appeal period</b>
(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.	<del>(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.</del>
<b>Documents to L.P.A.T.</b>	<b>Documents to L.P.A.T.</b>
(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 charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> are forwarded to the Tribunal 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 case may be; and	(b) the record, notice of appeal and the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> are forwarded to the Tribunal 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 case may be; and
(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.	(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.
<b>Exception</b>	<b>Exception</b>
(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 Tribunal.	(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 Tribunal.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Appeals withdrawn, decision</b>	<b>Appeals withdrawn, decision</b>
(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.
<b>Appeals withdrawn, plan</b>	<b>Appeals withdrawn, plan</b>
(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.
<b>Appeals withdrawn</b>	<b>Appeals withdrawn</b>
(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Tribunal 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 Tribunal 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.
<b>Hearing</b>	<b>Hearing</b>
(44) 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.	(44) 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.
<b>Restriction re adding parties</b>	<b>Restriction re adding parties</b>
(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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Same</b>	<b>Same</b>
(44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:	(44.2) The conditions mentioned in paragraph 1 of 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 Tribunal <u>is</u> of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Tribunal <u>is</u> of the opinion that there are reasonable grounds to add the person or public body as a party.
(44.3)-(44.6) Repealed: 2017, c. 23, Sched. 3, s. 6 (19).	<del>(44.3)-(44.6) Repealed: 2017, c. 23, Sched. 3, s. 6 (19).</del>
	<u>New evidence at hearing</u>
	<u>(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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<u>Same</u>
	<u>(44.4) When subsection (44.3) applies, the Tribunal 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 Tribunal 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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<u>Notice to council</u>
	<u>(44.5) The Tribunal shall notify the council that it is being given an opportunity to,</u> <u>(a) reconsider its decision in light of the information and material; and</u>

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	<u>(b) make a written recommendation to the Tribunal.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<b><u>Council's recommendation</u></b>
	<u>(44.6) The Tribunal 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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Conflict with <i>SPPA</i></b>	<b>Conflict with <i>SPPA</i></b>
(44.7) Subsections (44.1) to (44.2) apply despite the <i>Statutory Powers Procedure Act</i> .	(44.7) Subsections (44.1) to (44.2 <del>6</del> ) apply despite the <i>Statutory Powers Procedure Act</i> .
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Dismissal without hearing</b>	<b>Dismissal without hearing</b>
(45) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), 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:	(45) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Tribunal <del>shall</del> <u>may, on its own initiative or on the motion of any party,</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:
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
1. The Tribunal is of the opinion that,	1. The Tribunal is of the opinion that,
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,	i. <del>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,</del> <u>the reasons set</u>

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	<u>out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal.</u>
	<b>Editorial Note:</b> The amended language is substantially similar to the language in the pre-Bill 139 version of the <i>Planning Act</i> .
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 Tribunal proceedings that constitute an abuse of process.	iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.
2. The appellant has not provided the explanations required by clause (25) (b) or (37) (b), as applicable;	2. The appellant has not provided <del>the explanations required by clause (25) (b) or (37) (b), as applicable;</del> <u>written reasons with respect to an appeal under subsection (24) or (36).</u>
	<u>3. 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.</u>
3. 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.	<del>34. 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.</del>
4. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	<del>45. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.</del>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(45.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (44), the Tribunal 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 Tribunal'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 Tribunal 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 Tribunal'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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Representation</b>	<b>Representation</b>
(46) 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 3 or 4 of subsection (45).	(46) 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 <del>3 or 4</del> <u>5</u> of subsection (45).
	<b>Editorial Note:</b> The amended language is substantially similar to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Dismissal</b>	<b>Dismissal</b>
(46.1) 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 (45) or (45.1), as it considers appropriate.	(46.1) 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 (45) or (45.1), as it considers appropriate.
<b>Dismissal</b>	<b>Dismissal</b>
(47) If the Tribunal 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 Tribunal shall notify the clerk of the municipality or the approval authority and,	(47) If the Tribunal 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 Tribunal 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.
<b>Same</b>	<b>Same</b>
(48) If the Tribunal dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the Tribunal 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 Tribunal dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the Tribunal 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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Transfer</b>	<b>Transfer</b>
(49) If a notice of appeal under subsection (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal 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 <del>(24), (36) or</del> (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply.
<b>Powers of L.P.A.T. - appeals under subs. (24) and (36)</b>	<del><b>Powers of L.P.A.T. - appeals under subs. (24) and (36)</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<del><b>Same</b></del>
(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,	<del>(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,</del>
(a) the decision or that part of the decision that was the subject of the appeal is final; and	<del>(a) the decision or that part of the decision that was the subject of the appeal is final; and</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Refusal and notice to make new decision</b>	<del><b>Refusal and notice to make new decision</b></del>
(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	<del>(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</del>

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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,	<del>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,</del>
(a) the Tribunal shall refuse to approve that part of the plan; and	<del>(a) the Tribunal shall refuse to approve that part of the plan; and</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Revised plan with consent of parties</b>	<del><b>Revised plan with consent of parties</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same, notice to make new decision</b>	<del><b>Same, notice to make new decision</b></del>
(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,	<del>(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,</del>
(a) the Tribunal shall refuse to approve that part of the plan; and	<del>(a) the Tribunal shall refuse to approve that part of the plan; and</del>
(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.	<del>(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.</del>



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Rules that apply if notice is received</b>	<b>Rules that apply if notice is received</b>
(49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply:	<del>(49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply:</del>
1. The council of the municipality may prepare and adopt another plan in accordance with this section, subject to the following:	<del>1. The council of the municipality may prepare and adopt another plan in accordance with this section, subject to the following:</del>
i. Subsections (16) and (17.1) do not apply.	<del>i. Subsections (16) and (17.1) do not apply.</del>
ii. If the plan is not exempt from approval,	<del>ii. If the plan is not exempt from approval,</del>
A. the reference to “within 210 days” in subsection (40) shall be read as “within 90 days”,	<del>A. the reference to “within 210 days” in subsection (40) shall be read as “within 90 days”;</del>
B. subsection (40.1) does not apply,	<del>B. subsection (40.1) does not apply;</del>
C. references to “210 days” and “210th day” in subsection (40.2) shall be read as “90 days” and “90th day”, respectively, and	<del>C. references to “210 days” and “210th day” in subsection (40.2) shall be read as “90 days” and “90th day”, respectively, and</del>
D. the reference to “210-day period” in subsection (40.4) shall be read as “90-day period”.	<del>D. the reference to “210-day period” in subsection (40.4) shall be read as “90-day period”.</del>
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”.	<del>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”.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Second appeal</b>	<b>Second appeal</b>
(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	<del>(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</del>

## Bill 108 Amendments to the *Planning Act*

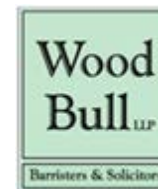
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	<del>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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same, revised plan with consent of parties</b>	<del><b>Same, revised plan with consent of parties</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<del><b>Same</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Coming into effect of plan</b>	<del><b>Coming into effect of plan</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Specified parties</b>	<del><b>Specified parties</b></del>
(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are: 1. The municipality that adopted the plan. 2. The appropriate approval authority, if the approval authority is a party. 3. The Minister, if the Minister is a party. 4. If applicable, the person or public body that requested an amendment to the official plan. 5. All appellants of the decision which was the subject of the appeal.	<del>(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are: 1. The municipality that adopted the plan. 2. The appropriate approval authority, if the approval authority is a party. 3. The Minister, if the Minister is a party. 4. If applicable, the person or public body that requested an amendment to the official plan. 5. All appellants of the decision which was the subject of the appeal.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Effect on original plan</b>	<del><b>Effect on original plan</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Powers of L.P.A.T.</b>	<b>Powers of L.P.A.T.</b>
(50) On an appeal under subsection (40) or a transfer, the Tribunal may	(50) On an appeal <del>under subsection (40)</del> or a transfer <u>under this section</u> , the

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	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.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(50.1) For greater certainty, subsections (49.7), (49.9) and (50) do not give the Tribunal power to approve or modify any part of the plan that,	(50.1) For greater certainty, subsections <del>(49.7), (49.9) and</del> (50) <u>does</u> not give the Tribunal power to approve or modify any part of the plan that,
(a) is in effect; and	(a) is in effect; and
(b) was not added, amended or revoked by the plan to which the notice of appeal relates.	(b) was not added, amended or revoked by the plan to which the notice of appeal relates.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Matters of provincial interest</b>	<b>Matters of provincial interest</b>
(51) Where an appeal is made to the 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 plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (44) and the Minister shall identify,	(51) Where an appeal is made to the 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 plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days <del>after the day the Tribunal gives notice under subsection (44)</del> <u>before the day fixed by the Tribunal for the hearing of the appeal</u> and the Minister shall identify,
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
(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.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>No hearing or notice required</b>	<b>No hearing or notice required</b>
(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).
<b>Applicable rules if notice under subs. (51) received</b>	<del><b>Applicable rules if notice under subs. (51) received</b></del>
(53) If the Tribunal has received notice from the Minister under subsection (51), the following rules apply:	<del>(53) If the Tribunal has received notice from the Minister under subsection (51), the following rules apply:</del>
1. Subsections (49.1) to (50) do not apply to the appeal.	<del>1. Subsections (49.1) to (50) do not apply to the appeal.</del>
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	<del>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</del>
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.	<del>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.</del>
3. The decision of the Tribunal 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.	<del>3. The decision of the Tribunal 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.</del>
	<u><b>Confirmation by L.G. in C.</b></u>
	<u>(53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal 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 those provisions.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Action of L.G. in C.</b>	<b>Action of L.G. in C.</b>
(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the 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	(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the 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

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
the plan.	the plan.
<b>Request for amendment</b>	<b>Request for amendment</b>
<b>22.</b> (1) If a person or public body requests a council to amend its official plan, the council shall,	<b>22.</b> (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.
<b>Request to planning board</b>	<b>Request to planning board</b>
(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 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.
<b>Two-year period, no request for amendment</b>	<b>Two-year period, no request for amendment</b>
(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.
<b>Same, secondary plans</b>	<b>Same, secondary plans</b>
(2.1.1) No person or public body shall request an amendment to a secondary plan before the second anniversary of the first	(2.1.1) No person or public body shall request an amendment to a secondary plan before the second anniversary of the first

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
day any part of the secondary plan comes into effect.	day any part of the secondary plan comes into effect.
<b>Interpretation, secondary plan</b>	<b>Interpretation, secondary plan</b>
(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.	(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.
<b>No request for amendment re protected major transit station area policies</b>	<b>No request for amendment re protected major transit station area policies</b>
(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.	(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.
<b>Exception</b>	<b>Exception</b>
(2.2) If the council has declared by resolution that a request described in subsection (2.1), (2.1.1) or (2.1.3) is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally, the relevant subsection does not apply.	(2.2) If the council has declared by resolution that a request described in subsection (2.1), (2.1.1) or (2.1.3) is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally, the relevant subsection does not apply.
<b>No open house or public meeting</b>	<b>No open house or public meeting</b>
(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.
<b>Consultation</b>	<b>Consultation</b>
(3.1) The council or planning board,	(3.1) The council or planning board,

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(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 municipality or planning board as described in clause (a).	(b) may, by by-law, require applicants to consult with the municipality or planning board as described in clause (a).
<b>Prescribed information</b>	<b>Prescribed information</b>
(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.
<b>Other information</b>	<b>Other information</b>
(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.
<b>Refusal and timing</b>	<b>Refusal and timing</b>
(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.
<b>Response re completeness of request</b>	<b>Response re completeness of request</b>
(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	(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



## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
not been provided, as the case may be.	not been provided, as the case may be.
<b>Motion re dispute</b>	<b>Motion re dispute</b>
(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 Tribunal 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 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.
<b>Same</b>	<b>Same</b>
(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.
<b>Notice of particulars and public access</b>	<b>Notice of particulars and public access</b>
(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 Tribunal 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 Tribunal 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.
<b>Final determination</b>	<b>Final determination</b>
(6.5) The Tribunal's determination under subsection (6.2) is not subject to appeal or review.	(6.5) The Tribunal's determination under subsection (6.2) is not subject to appeal or review.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Notice of refusal</b>	<b>Notice of refusal</b>
(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.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(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.
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(7) 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	(7) 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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
met:	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.
<b>Basis for appeal</b>	<b>Basis for appeal</b>
(7.0.0.1) An appeal under subsection (7) may only be made on the basis that,	<del>(7.0.0.1) An appeal under subsection (7) may only be made on the basis that,</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Exception</b>	<b>Exception</b>
(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).	<del>(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).</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b><i>Consolidated Hearings Act</i></b>	<b><i>Consolidated Hearings Act</i></b>
(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 expired.	(d) the time period referred to in subsection 17 (40) has expired.
<b>Conditions</b>	<b>Conditions</b>
(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 210 days after the day the request is received.	1. The council or the planning board fails to adopt the requested amendment within <del>210</del> 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 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 <del>210</del> 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.	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).
<b>Same</b>	<b>Same</b>
(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.	<del>(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.</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Time for appeal</b>	<b>Time for appeal</b>
(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.
<b>When giving of notice deemed completed</b>	<b>When giving of notice deemed completed</b>
(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.
<b>Appeals restricted re certain amendments</b>	<b>Appeals restricted re certain amendments</b>
(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 subsection (7.2); or	(a) a refusal or failure to adopt an amendment described in 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).
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect	(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
of an amendment described in clause (7.2) (d).	of an amendment described in clause (7.2) (d).
<b>Application of subs. (7.1)</b>	<b>Application of subs. (7.1)</b>
(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;	(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; 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.
(d) authorize a renewable energy undertaking.	
<b>Same</b>	<b>Same</b>
(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.
<b>Exception</b>	<b>Exception</b>
(7.4) Despite subsection (7.1), a person or public body may appeal to the Tribunal 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 Tribunal 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.
<b>Contents</b>	<b>Contents</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

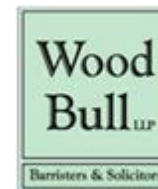
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
requested amendment;	requested amendment; <u>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;	<del>(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;</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
(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	<del>(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</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
(b) be accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .	(b) be accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(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.
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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,

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

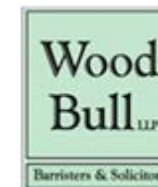


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(i) as many of the appellants as the council or planning board considers appropriate,	(i) as many of the appellants as the council or planning board considers appropriate,
(ii) the person or public body that made the request to amend the 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.
<b>Extension of time</b>	<b>Extension of time</b>
(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.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.
<b>Record</b>	<b>Record</b>
(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;
(b) the notice of appeal, the record and the fee are forwarded to the Tribunal,	(b) the notice of appeal, the record and the fee are forwarded to the Tribunal,
(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	(c) the notice of appeal and the record are forwarded to the appropriate



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
approval authority, whether or not the plan is exempt from approval,	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 Tribunal may require in respect of the appeal is forwarded to the Tribunal.	(d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Same</b>	<b>Same</b>
(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.

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Appeals withdrawn, amendment</b>	<b>Appeals withdrawn, amendment</b>
(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.
<b>Decision final</b>	<b>Decision final</b>
(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.
<b>Other information</b>	<b>Other information</b>
(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Tribunal the prescribed information or material and such other information as the Tribunal may require.	(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Tribunal the prescribed information or material and such other information as the Tribunal may require.
<b>Hearing</b>	<b><del>Hearing</del>Application</b>
(11) 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.	(11) <del>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.</del> <u>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>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Restriction re adding parties</b>	<del><b>Restriction re adding parties</b></del>
(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:	<del>(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:</del>
1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2).	<del>1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2).</del>
2. The Minister.	<del>2. The Minister.</del>
3. The appropriate approval authority.	<del>3. The appropriate approval authority.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<del><b>Same</b></del>
(11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are:	<del>(11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are:</del>
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.	<del>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.</del>

## Bill 108 Amendments to the *Planning Act*

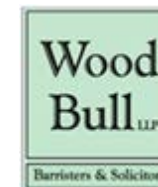
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.	<del>2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Conflict with SPPA</b>	<del><b>Conflict with SPPA</b></del>
(11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the <i>Statutory Powers Procedure Act</i> .	<del>(11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the <i>Statutory Powers Procedure Act</i>.</del>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Dismissal without hearing</b>	<del><b>Dismissal without hearing</b></del>
(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:	<del>(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:</del>
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:	<del>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:</del>
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.	<del>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.</del>
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.	<del>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.</del>
2. The Tribunal is of the opinion that,	<del>2. The Tribunal is of the opinion that,</del>
i. the appeal is not made in good faith or is frivolous or vexatious,	<del>i. the appeal is not made in good faith or is frivolous or vexatious,</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
ii. the appeal is made only for the purpose of delay, or	<del>ii. the appeal is made only for the purpose of delay, or</del>
iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.	<del>iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</del>
3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2).	<del>3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2).</del>
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.	<del>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.</del>
5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	<del>5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Representation</b>	<b>Representation</b>
(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).	<del>(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).</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Dismissal</b>	<del><b>Dismissal</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Powers of L.P.A.T. – appeals under subs. (7)</b>	<del><b>Powers of L.P.A.T. – appeals under subs. (7)</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Notice re opportunity to make new decision</b>	<del><b>Notice re opportunity to make new decision</b></del>
(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,	<del>(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,</del>
(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	<del>(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</del>
(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	<del>(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</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
lower-tier municipality, conforms with the upper-tier municipality's official plan.	<del>lower-tier municipality, conforms with the upper-tier municipality's official plan.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Revised amendment with consent of parties</b>	<del><b>Revised amendment with consent of parties</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same, notice to make new decision</b>	<del><b>Same, notice to make new decision</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Rules that apply if notice received</b>	<del><b>Rules that apply if notice received</b></del>
(11.0.12) If the clerk or secretary-treasurer has received notice under	<del>(11.0.12) If the clerk or secretary-treasurer has received notice under</del>



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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
subsection (11.0.9) or (11.0.11), the following rules apply:	<del>subsection (11.0.9) or (11.0.11), the following rules apply:</del>
1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:	<del>1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:</del>
i. Subsections 17 (16) and (17.1) do not apply.	<del>i. Subsections 17 (16) and (17.1) do not apply.</del>
ii. If the amendment is not exempt from approval,	<del>ii. If the amendment is not exempt from approval,</del>
A. the reference to “within 210 days” in subsection 17 (40) shall be read as “within 90 days”,	<del>A. the reference to “within 210 days” in subsection 17 (40) shall be read as “within 90 days”,</del>
B. subsection 17 (40.1) does not apply,	<del>B. subsection 17 (40.1) does not apply,</del>
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”.	<del>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”.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Second appeal</b>	<del><b>Second appeal</b></del>
(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).	<del>(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).</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<del><b>Same</b></del>
(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.	<del>(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.</del>



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	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(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,	<del>(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,</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same, revised amendment with consent of parties</b>	<b>Same, revised amendment with consent of parties</b>
(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.	<del>(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.</del>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
Same, revised amendment with consent of parties	<del>Same, revised amendment with consent of parties</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
Same	<del>Same</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
Specified parties	<del>Specified parties</del>
(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:  1. The municipality or planning board that received the request for an official plan amendment.  2. The appropriate approval authority, if the approval authority is a party.	<del>(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:  1. The municipality or planning board that received the request for an official plan amendment.  2. The appropriate approval authority, if the approval authority is a party.</del>

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3. The Minister, if the Minister is a party. 4. The person or public body that requested an amendment to the official plan.	<del>3. The Minister, if the Minister is a party.</del> <del>4. The person or public body that requested an amendment to the official plan.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Matters of provincial interest</b>	<b>Matters of provincial interest</b>
(11.1) Where an appeal is made to the 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 Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (11) and the Minister shall identify,	(11.1) Where an appeal is made to the 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 Tribunal in writing not later than 30 days <del>after the day the Tribunal gives notice under subsection (11)</del> <u>before the day fixed by the Tribunal for the hearing of the appeal</u> and the Minister shall identify,
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
(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	(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
(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.
<b>No hearing or notice required</b>	<b>No hearing or notice required</b>
(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).
<b>Applicable rules if notice under subs. (11.1) received</b>	<del>Applicable rules if notice under subs. (11.1) received</del> <u>Confirmation by L.G. in C.</u>
(11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the following rules apply:	(11.3) <del>If the Tribunal has received a notice from the Minister under subsection (11.1), the following rules apply:</del> <u>If the Tribunal has received a notice from the Minister under subsection (11.1), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice</u>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#"><u>unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.</u></a>
1. Subsections (11.0.8) to (11.0.19) do not apply to the appeal.	<del>1. Subsections (11.0.8) to (11.0.19) do not apply to the appeal.</del>
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.	<del>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.</del>
3. The decision of the Tribunal 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.	<del>3. The decision of the Tribunal 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.</del>
	<b>Editorial Note:</b> The amended language is substantially similar to the language in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Action of L.G. in C.</b>	<b>Action of L.G. in C.</b>
(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal 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 Tribunal 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.
<b>Withdrawal of appeal</b>	<b>Withdrawal of appeal</b>
(12) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) are dismissed by the Tribunal without holding a hearing or are withdrawn, the Tribunal 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 Tribunal without holding a hearing or are withdrawn, the Tribunal 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.
<b>Same</b>	<b>Same</b>
(13) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) are dismissed by the Tribunal without holding a	(13) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) are dismissed by the Tribunal without holding a

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
hearing or are withdrawn, the Tribunal 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 outstanding appeal has been withdrawn or dismissed.	hearing or are withdrawn, the Tribunal 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 outstanding appeal has been withdrawn or dismissed.
<b>PART IV COMMUNITY IMPROVEMENT</b>	<b>PART IV COMMUNITY IMPROVEMENT</b>
<b>Community improvement project area</b>	<b>Community improvement project area</b>
<b>28.</b> (1) In this section,	<b>28.</b> (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”)
<b>Affordable housing</b>	<b>Affordable housing</b>
(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.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Designation of community improvement project area</b>	<b>Designation of community improvement project area</b>
(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.
<b>Acquisition and clearance of land</b>	<b>Acquisition and clearance of land</b>
(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 area;	(a) acquire land within the community improvement project 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.
<b>Community improvement plan</b>	<b>Community improvement plan</b>
(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).
<b>Restriction re upper-tier municipality</b>	<b>Restriction re upper-tier municipality</b>
(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).
<b>Same</b>	<b>Same</b>
(5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49), (50) and (50.1), as they read on the day before section 9 of	(5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49), <del>(50) and (50.1), as they read on the day before section 9 of</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> comes into force, apply, with necessary modifications, in respect of a community improvement plan and any amendments to it.	<del>Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply,</del> <u>to (50.1) apply</u> with necessary modifications, in respect of a community improvement plan and any amendments to it.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(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).
<b>Same</b>	<b>Same</b>
(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.
<b>Powers of council re land</b>	<b>Powers of council re land</b>
(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 held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.	(b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.
<b>Grants or loans re eligible costs</b>	<b>Grants or loans re eligible costs</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	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.
<b>Eligible costs</b>	<b>Eligible costs</b>
(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.
<b>Grants or loans between upper and lower-tier municipalities</b>	<b>Grants or loans between upper and lower-tier municipalities</b>
(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.
<b>Maximum amount</b>	<b>Maximum amount</b>
(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).



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Application of s. 32 (2, 3)</b>	<b>Application of s. 32 (2, 3)</b>
(9) Subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.	(9) Subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.
<b>Conditions of sale, etc.</b>	<b>Conditions of sale, etc.</b>
(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.
<b>Registration of agreement</b>	<b>Registration of agreement</b>
(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.
<b>Debentures</b>	<b>Debentures</b>
(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 Tribunal, 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 Tribunal, provides.

## Bill 108 Amendments to the *Planning Act*

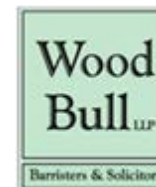
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Dissolution of area</b>	<b>Dissolution of area</b>
(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.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>PART V LAND USE CONTROLS AND RELATED ADMINISTRATION</b>	<b>PART V LAND USE CONTROLS AND RELATED ADMINISTRATION</b>
<b>Zoning by-laws</b>	<b>Zoning by-laws</b>
Zoning by-laws may be passed by the councils of local municipalities:	<b>34.</b> (1) Zoning by-laws may be passed by the councils of local municipalities:
<b>Restricting use of land</b>	<b>Restricting use of land</b>
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.
<b>Restricting erecting, locating or using of buildings</b>	<b>Restricting erecting, locating or using of buildings</b>
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.
<b>Marshy lands, etc.</b>	<b>Marshy lands, etc.</b>
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.
<b>Contaminated lands; sensitive or vulnerable areas</b>	<b>Contaminated lands; sensitive or vulnerable areas</b>
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> .
<b>Natural features and areas</b>	<b>Natural features and areas</b>
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,

## Bill 108 Amendments to the *Planning Act*

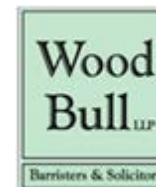
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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
iii. that is a significant natural corridor, feature or area.	iii. that is a significant natural corridor, feature or area.
<b>Significant archaeological resources</b>	<b>Significant archaeological resources</b>
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.
<b>Construction of buildings or structures</b>	<b>Construction of buildings or structures</b>
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.
<b>Minimum elevation of doors, etc.</b>	<b>Minimum elevation of doors, etc.</b>
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.
<b>Loading or parking facilities</b>	<b>Loading or parking facilities</b>
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.
<b>Pits and quarries</b>	<b>Pits and quarries</b>
(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).
<b>Area, density and height</b>	<b>Area, density and height</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

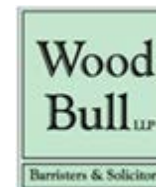
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<b><i>Planning Act</i></b>	<b><i>Planning Act with Bill 108 Amendments</i></b>
have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law.	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.
<b>City of Toronto</b>	<b>City of Toronto</b>
(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.
<b>Interpretation</b>	<b>Interpretation</b>
(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 defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section.	(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 defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section.
<b>Prohibition of use of land, etc., availability of municipal services</b>	<b>Prohibition of use of land, etc., availability of municipal services</b>
(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.
<b>Loading or parking facilities – by-law provisions</b>	<b>Loading or parking facilities – by-law provisions</b>
(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.
<b>Certificates of occupancy</b>	<b>Certificates of occupancy</b>
(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.
<b>Use of maps</b>	<b>Use of maps</b>
(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.

## Bill 108 Amendments to the *Planning Act*

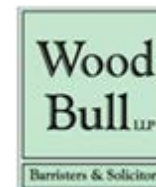
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Acquisition and disposition of non-conforming lands</b>	<b>Acquisition and disposition of non-conforming lands</b>
(8) The council may acquire any land, building or structure used 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.
<b>Excepted lands and buildings</b>	<b>Excepted lands and buildings</b>
(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 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.	(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit 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.
<b>By-law may be amended</b>	<b>By-law may be amended</b>
(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.
<b>Consultation</b>	<b>Consultation</b>
(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

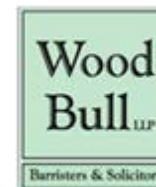


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).	(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).
<b>Two-year period, no application for amendment</b>	<b>Two-year period, no application for amendment</b>
(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.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Prescribed information</b>	<b>Prescribed information</b>
(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.
<b>Other information</b>	<b>Other information</b>
(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 need, but only if the official plan contains provisions relating to requirements under this subsection.	(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 need, but only if the official plan contains provisions relating to requirements under this subsection.
<b>Refusal and timing</b>	<b>Refusal and timing</b>
(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.



## Bill 108 Amendments to the *Planning Act*

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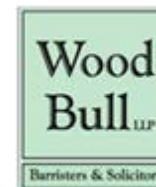


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Response re completeness of application</b>	<b>Response re completeness of application</b>
(10.4) Within 30 days after the person or public body that makes the application for an amendment to a by-law pays any fee under section 69, the 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.
<b>Motion re dispute</b>	<b>Motion re dispute</b>
(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 Tribunal 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 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 (10.2) is reasonable.	(b) whether a requirement made under subsection (10.2) is reasonable.
<b>Same</b>	<b>Same</b>
(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.
<b>Notice of particulars and public access</b>	<b>Notice of particulars and public access</b>
(10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal 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 Tribunal 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 subsections (10.1) and (10.2) available to the public.	(b) make the information and material provided under subsections (10.1) and (10.2) available to the public.
<b>Final determination</b>	<b>Final determination</b>
(10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review.	(10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review.



## Bill 108 Amendments to the *Planning Act*

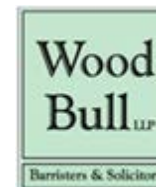
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Notice of refusal</b>	<b>Notice of refusal</b>
(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.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(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.
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(11) Subject to subsection (11.0.0.0.1), 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 150 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 Act, 2017</i> :	(11) Subject to subsection (11.0.0.0.1), 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 <del>150</del> <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 Act, 2017</i> :
1. The applicant.	1. The applicant.

## Bill 108 Amendments to the *Planning Act*

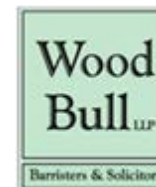
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
2. The Minister.	2. The Minister.
<b>Same, where amendment to official plan required</b>	<b>Same, where amendment to official plan required</b>
(11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an 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.	(11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an 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 <del>210</del> <u>120</u> days after the receipt by the clerk of the application.
<b>Basis for appeal</b>	<b>Basis for appeal</b>
(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,	<del>(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Notice of Appeal</b>	<b>Notice of Appeal</b>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(11.0.0.4) A notice of appeal under subsection (11) shall,	<del>(11.0.0.4) A notice of appeal under subsection (11) shall,</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Exception</b>	<b>Exception</b>
(11.0.0.5) Subsections (11.0.0.2) and (11.0.0.4) 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 new decision in accordance with subsection (26.3).	<del>(11.0.0.5) Subsections (11.0.0.2) and (11.0.0.4) 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 new decision in accordance with subsection (26.3).</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(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.
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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,

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(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.
<b>Extension of time</b>	<b>Extension of time</b>
(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.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.
<b>Consolidated Hearings Act</b>	<b>Consolidated Hearings Act</b>
(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.
<b>Time for filing certain appeals</b>	<b>Time for filing certain appeals</b>
(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.
<b>Appeals restricted re certain amendments</b>	<b>Appeals restricted re certain amendments</b>
(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.
<b>Same</b>	<b>Same</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

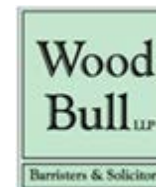
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to remove any land from an area of employment, even if other land is proposed to be added.	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.
<b>No appeal re inclusionary zoning policies</b>	<b>No appeal re inclusionary zoning policies</b>
(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).
<b>Withdrawal of appeal</b>	<b>Withdrawal of appeal</b>
(11.1) If all appeals under subsection (11) are withdrawn, the 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.	(11.1) If all appeals under subsection (11) are withdrawn, the 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.
<b>Information and public meeting; open house in certain circumstances</b>	<b>Information and public meeting; open house in certain circumstances</b>
(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26),	(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (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).
<b>Notice</b>	<b>Notice</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),	(13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b),

## Bill 108 Amendments to the *Planning Act*

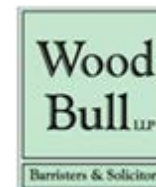
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and	(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and
(b) shall be accompanied by the prescribed information.	(b) shall be accompanied by the prescribed information.
<b>Timing of open house</b>	<b>Timing of open house</b>
(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.
<b>Timing of public meeting</b>	<b>Timing of public meeting</b>
(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.
<b>Participation in public meeting</b>	<b>Participation in public meeting</b>
(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.
<b>Alternative procedure</b>	<b>Alternative procedure</b>
(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.
<b>Same</b>	<b>Same</b>
(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).
<b>Transition</b>	<b>Transition</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

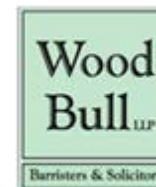


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
into force.	into force.
<b>Information</b>	<b>Information</b>
(14.5) At a public meeting under subclause (12) (a) (ii), the council shall ensure that information is made available to the public regarding who is entitled to appeal under 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).
<b>Where alternative procedures followed</b>	<b>Where alternative procedures followed</b>
(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.
<b>Information to public bodies</b>	<b>Information to public bodies</b>
(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.
<b>Conditions</b>	<b>Conditions</b>
(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.
<b>Same</b>	<b>Same</b>
(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.
<b>Same</b>	<b>Same</b>
(16.2) When a prescribed condition is imposed under subsection (16),	(16.2) When a prescribed condition is imposed under 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	(c) the municipality may enforce the agreement against the owner and, subject



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

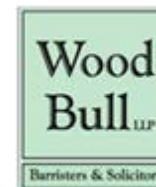


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
to the <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.	to the <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of the land.
<b>City of Toronto</b>	<b>City of Toronto</b>
(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.
<b>Further notice</b>	<b>Further notice</b>
(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.
<b>Notice of passing of by-law</b>	<b>Notice of passing of by-law</b>
(18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Tribunal 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 Tribunal 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.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(18.2) Clause (18.1) (a) applies to,	(18.2) Clause (18.1) (a) applies to,



## Bill 108 Amendments to the *Planning Act*

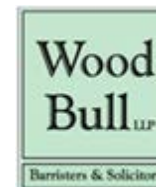
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(a) any written submissions relating to the by-law that were made to the council before its decision; and	(a) any written submissions relating to the by-law that were made to the council 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.
<b>Appeal to L.P.A.T</b>	<b>Appeal to L.P.A.T</b>
(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 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 Act, 2017</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 Tribunal by filing with the clerk of the municipality a notice of appeal <a href="#">setting out the objection to the by-law and the reasons in support of the objection</a> , accompanied by the fee charged under the <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.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(19.0.1) 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	(19.0.1) <del>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</del> <a href="#">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.</a>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .

## Bill 108 Amendments to the *Planning Act*

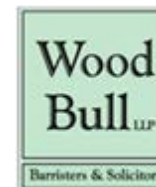
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<b>Notice of Appeal</b>	<b>Notice of Appeal</b>
(19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>No appeal re second unit policies</b>	<b>No appeal re second unit policies</b>
(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.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(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.
<b>No appeal re inclusionary zoning policies</b>	<b>No appeal re inclusionary zoning policies</b>
(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.
<b>Matters referred to in s. 34 (1)</b>	<b>Matters referred to in s. 34 (1)</b>
(19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection (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 (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).
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(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).
<b>No appeal re protected major transit station area – permitted uses, etc.</b>	<b>No appeal re protected major transit station area – permitted uses, etc.</b>
(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,	(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,
(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	(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

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protected major transit station area that is identified in accordance with subsection 16 (15) or (16); or	protected major transit station area that is identified in accordance with subsection 16 (15) or (16); or
(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).	(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).
<b>Same, by-law of a lower-tier municipality</b>	<b>Same, by-law of a lower-tier municipality</b>
(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.	(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.
<b>Exception</b>	<b>Exception</b>
(19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted 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 required in respect of that parcel.	(19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted 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 required in respect of that parcel.
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(19.8) Subsection (19.5) does not apply to an appeal by the Minister.	(19.8) Subsection (19.5) does not apply to an appeal by the Minister.
<b>When giving of notice deemed completed</b>	<b>When giving of notice deemed completed</b>
(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	(d) where notice is given by telephone transmission of a facsimile of the

## Bill 108 Amendments to the *Planning Act*

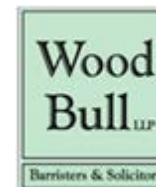
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notice, on the day that the transmission of all required notices is completed.	notice, on the day that the transmission of all required notices is completed.
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(20.1) 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.
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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.
<b>Extension of time</b>	<b>Extension of time</b>
(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clauses (23) (b) and subsections (23.2) and (23.3) is extended to 75 days.	(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clauses (23) (b) and subsections (23.2) and (23.3) is extended to 75 days.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.
<b>When by-law deemed to have come into force</b>	<b>When by-law deemed to have come into force</b>
(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.
<b>Affidavit re no appeal, etc.</b>	<b>Affidavit re no appeal, etc.</b>
(22) An affidavit or declaration of an employee of the municipality that notice	(22) An affidavit or declaration of an employee of the municipality that

## Bill 108 Amendments to the *Planning Act*

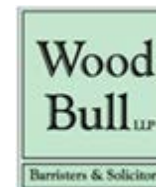
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was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.	notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.
<b>Record</b>	<b>Record</b>
(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 Tribunal, (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 the failure to make a decision; and	(b) the notice of appeal, record and fee are forwarded to the Tribunal, (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 the failure to make a decision; and
(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.	(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.
<b>Withdrawal of appeals</b>	<b>Withdrawal of appeals</b>
(23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding.	(23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding.
<b>Exception</b>	<b>Exception</b>
(23.2) Despite clause (23) (b), if all appeals under subsection (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 Tribunal.	(23.2) Despite clause (23) (b), if all appeals under subsection (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 Tribunal.
<b>Decision final</b>	<b>Decision final</b>
(23.3) If all appeals to the Tribunal 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 Tribunal 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.
<b>Hearing and notice thereof</b>	<b>Hearing and notice thereof</b>
(24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which	(24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which

## Bill 108 Amendments to the *Planning Act*

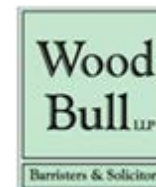
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notice shall be given to such persons or bodies and in such manner as the Tribunal may determine.	notice shall be given to such persons or bodies and in such manner as the Tribunal may determine.
<b>Restriction re adding parties</b>	<b>Restriction re adding parties</b>
(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.
<b>Same</b>	<b>Same</b>
(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 Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.
	<b><u>New information and material at hearing</u></b>
	<u>(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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<b><u>Same</u></b>
	<u>(24.4) When subsection (24.3) applies, the Tribunal 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 Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and</u>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

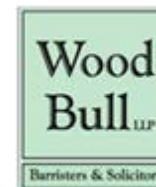


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#">the prescribed time period has elapsed.</a>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<b><a href="#">Notice to Council</a></b>
	<a href="#">(24.5) The Tribunal shall notify the council that it is being given an opportunity to,</a>
	<a href="#">(a) reconsider its decision in light of the information and material; and</a>
	<a href="#">(b) make a written recommendation to the Tribunal.</a>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
	<b><a href="#">Council's recommendation</a></b>
	<a href="#">(24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards.</a>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Conflict with SPPA</b>	<b>Conflict with SPPA</b>
(24.7) Subsections (24.1) and (24.2) apply despite the <i>Statutory Powers Procedure Act</i> .	(24.7) Subsections (24.1) <del>and to</del> <a href="#">(24.26)</a> apply despite the <i>Statutory Powers Procedure Act</i> .
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Dismissal without hearing</b>	<b>Dismissal without hearing</b>
(25) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), 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,	(25) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal <del>shall</del> <a href="#">may, on its own initiative or on the motion of any party,</a> dismiss all or part of an appeal without holding a hearing, <del>on its own initiative or on the motion of any party,</del> if any of the following apply,
1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.0.4) do not disclose both of the following:	1. The Tribunal is of the opinion that <del>the explanations required by subsection (11.0.0.0.4) do not disclose both of the following;</del>
i. That the existing part or parts of the by-law that would be affected by	i. <del>That the existing part or parts of the by-law that would be affected by</del>



## Bill 108 Amendments to the *Planning Act*

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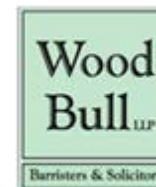


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan.	<del>the 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.</del> <u>the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal.</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.	<del>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.</del> <u>ii. the appeal is not made in good faith or is frivolous or vexatious.</u>
	<u>iii. the appeal is made only for the purpose of delay, or</u>
	<u>iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</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 subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.	<del>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 subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</del> <u>The appellant has not provided written reasons for the appeal.</u>
3. The Tribunal is of the opinion that,	<del>3. The Tribunal is of the opinion that,</del> <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>
(i) the appeal is not made in good faith or is frivolous or vexatious,	<del>(i) the appeal is not made in good faith or is frivolous or vexatious,</del>
(ii) the appeal is made only for the purpose of delay, or	<del>(ii) the appeal is made only for the purpose of delay, or</del>
(iii) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;	<del>(iii) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;</del>
4. The appellant has not provided the explanation required by subsection (11.0.0.0.4) or (19.0.2), as applicable;	<del>4. The appellant has not provided the explanation required by subsection (11.0.0.0.4) or (19.0.2), as applicable</del> <u>paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>;</u>



## Bill 108 Amendments to the *Planning Act*

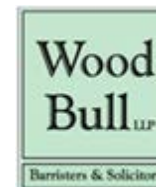
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
5. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.	5. The appellant has not <del>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.</del> <u>responded to a request by the Tribunal for further information within the time specified by the Tribunal.</u>
6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	<del>6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.</del>
	<b>Editorial Note:</b> The amended language is substantially similar to the language in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Representation</b>	<b>Representation</b>
(25.1) 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 5 or 6 of subsection (25).	(25.1) 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 5 <del>or 6</del> of subsection (25).
	<b>Editorial Note:</b> The amended language is substantially similar to the language in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b>Same</b>
(25.1.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal 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 Tribunal'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 subsection (24), the Tribunal 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 Tribunal'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.
<b>Dismissal</b>	<b>Dismissal</b>
(25.2) 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 (25) or (25.1.1), as it considers appropriate.	(25.2) 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 (25) or (25.1.1), as it considers appropriate.
<b>Powers of L.P.A.T</b>	<b>Powers of L.P.A.T</b>
(26) 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 dismiss the appeal.	(26) <del>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 dismiss the appeal.</del> <u>The Tribunal may.</u>

## Bill 108 Amendments to the *Planning Act*

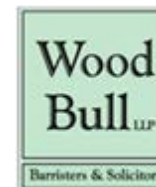
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>(a) on an appeal under subsection (11) or (19), dismiss the appeal;</u>
	<u>(b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or</u>
	<u>(c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order.</u>
<b>Notice re opportunity to make new decision – appeal under subs. (11)</b>	<del><b>Notice re opportunity to make new decision—appeal under subs. (11)</b></del>
(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,	<del>(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;</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same – appeal under subs. (19)</b>	<del><b>Same—appeal under subs. (19)</b></del>
(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,	<del>(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;</del>
(a) the Tribunal shall repeal that part of the by-law; and	<del>(a) the Tribunal shall repeal that part of the by-law; and</del>
(b) the Tribunal shall notify the clerk of the municipality that it is being given	<del>(b) the Tribunal shall notify the clerk of the municipality that it is being given</del>

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
an opportunity to make a new decision in respect of the matter.	<del>an opportunity to make a new decision in respect of the matter.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Powers of L.P.A.T. — Draft by-law with consent of parties</b>	<del><b>Powers of L.P.A.T. — Draft by-law with consent of parties</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Notice to make new decision</b>	<del><b>Notice to make new decision</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Rules that apply if notice received</b>	<del><b>Rules that apply if notice received</b></del>
(26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:	<del>(26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:</del>
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.	<del>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.</del>
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”.	<del>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”.</del>

## Bill 108 Amendments to the *Planning Act*

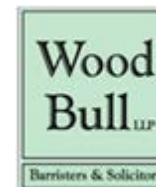
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	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same, subs. (11) – failure to make decision</b> (26.6) On an appeal under subsection (11) that concerns the failure to 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.	<del><b>Same, subs. (11) – failure to make decision</b> (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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Second appeal – subs. (11), refusal</b> (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 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,	<del><b>Second appeal – subs. (11), refusal</b> (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 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,</del>
(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	<del>(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</del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Second appeal – subs. (19)</b> (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	<del><b>Second appeal – subs. (19)</b> (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</del>

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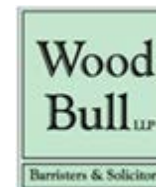
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council 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.	<del>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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Draft by-law with consent of the parties</b>	<b><del>Draft by-law with consent of the parties</del></b>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Same</b>	<b><del>Same</del></b>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Specified parties</b>	<b><del>Specified parties</del></b>
(26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:	<del>(26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:</del>

## Bill 108 Amendments to the *Planning Act*

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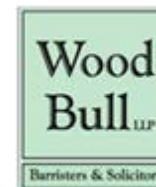


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<ol style="list-style-type: none"> <li>1. The municipality.</li> <li>2. The Minister, if the Minister is a party.</li> <li>3. If applicable, the applicant.</li> <li>4. If applicable, all appellants of the decision which was the subject of the appeal.</li> </ol>	<del>—1. The municipality.</del> <del>—2. The Minister, if the Minister is a party.</del> <del>—3. If applicable, the applicant.</del> <del>—4. If applicable, all appellants of the decision which was the subject of the appeal.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Effect on original by-law</b>	<del><b>Effect on original by-law</b></del>
(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.	<del>(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.</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Non-application of s. 24 (4)</b>	<del><b>Non-application of s. 24 (4)</b></del>
(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).	<del>(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).</del>
	<b>Editorial Note:</b> The repeal of this subsection means a return to the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Matters of provincial interest</b>	<b>Matters of provincial interest</b>
(27) Where an appeal is made to the Tribunal 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 Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (24) and the Minister shall identify,	(27) Where an appeal is made to the Tribunal 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 Tribunal in writing not later than 30 days <del>after</del> <u>before</u> the day <del>the Tribunal gives notice under subsection (24) and the Minister shall identify,</del> <u>fixed by the Tribunal for the hearing of the appeal.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
(a) the part or parts of the by-law by which the provincial interest is, or is	(a) the part or parts of the by-law by which the provincial interest is, or is



## Bill 108 Amendments to the *Planning Act*

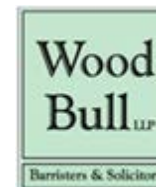
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
likely to be, adversely affected; and	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.
<b>No hearing or notice required</b>	<b>No hearing or notice required</b>
(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27).	(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27).
<b>No order to be made</b>	<b>No order to be made</b>
<p>(29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules shall apply:</p> <ol style="list-style-type: none"> <li>Subsections (26) to (26.12) do not apply to the appeal.</li> <li>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-law in whole or in part.</li> <li>The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice.</li> </ol>	<p><del>(29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules shall apply:</del></p> <ol style="list-style-type: none"> <li><del>Subsections (26) to (26.12) do not apply to the appeal.</del></li> <li><del>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-law in whole or in part.</del></li> <li><del>The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice.</del></li> </ol> <p><u>(29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice.</u></p>
	<b>Editorial Note:</b> The amended language is substantially similar to the language in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Action of L.G. in C.</b>	<b>Action of L.G. in C.</b>
(29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal 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 Tribunal 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.
<b>Coming into force</b>	<b>Coming into force</b>
(30) If one or more appeals have been filed under subsection (19), the by-law	(30) If one or more appeals have been filed under subsection (19), the by-law

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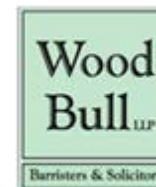


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed under subsection (26.2) or (26.8) or amended under subsection (26.8) or as are repealed 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.	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 <del>repealed under subsection (26.2) or (26.8) or amended under subsection (26.8)</del> <b>repealed or amended under subsection (26)</b> 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.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Unappealed portions</b>	<b>Unappealed portions</b>
(31) Despite subsection (30), before all of the appeals have been finally disposed of, the Tribunal 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 Tribunal 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.
<b>Method</b>	<b>Method</b>
(32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body.	(32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body.
<b>Notice and hearing</b>	<b>Notice and hearing</b>
(33) The Tribunal may,	(33) The Tribunal 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.
<b>Notice</b>	<b>Notice</b>
(34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made.	(34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made.
<b>By-laws to give effect to inclusionary zoning policies</b>	<b>By-laws to give effect to inclusionary zoning policies</b>
<b>35.2</b> (1) If the official plan in effect in a local municipality contains policies described in subsection 16 (4),	<b>35.2</b> (1) If the official plan in effect in a local municipality contains policies described in subsection 16 (4),



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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(a) the council of the municipality shall pass one or more by-laws under section 34 to give effect to the policies, if the municipality is prescribed for the purpose of subsection 16 (4);	(a) the council of the municipality shall pass one or more by-laws under section 34 to give effect to the policies, if the municipality is prescribed for the purpose of subsection 16 (4);
(b) the council of the municipality may pass one or more by-laws under section 34 to give effect to the policies, if the municipality is not prescribed for the purpose of subsection 16 (4).	(b) the council of the municipality may pass one or more by-laws under section 34 to give effect to the policies, if the municipality is not prescribed for the purpose of subsection 16 (4).
<b>Content of a by-law</b>	<b>Content of a by-law</b>
(2) If a by-law is passed under section 34 to give effect to policies described in subsection 16 (4), the by-law,	(2) If a by-law is passed under section 34 to give effect to policies described in subsection 16 (4), the by-law,
(a) shall require that the development or redevelopment of specified lands, buildings or structures include,	(a) shall require that the development or redevelopment of specified lands, buildings or structures include,
(i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the by-law, or	(i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the by-law, or
(ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the by-law;	(ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the by-law;
(b) shall require that the affordable housing units be maintained as affordable housing units for the period of time determined under the regulations or, in the absence of such regulations, for the period of time determined under the by-law;	(b) shall require that the affordable housing units be maintained as affordable housing units for the period of time determined under the regulations or, in the absence of such regulations, for the period of time determined under the by-law;
(c) shall require that the affordable housing units meet the requirements and standards specified in the regulations or, in the absence of such regulations, that the affordable housing units meet requirements and standards specified in the by-law;	(c) shall require that the affordable housing units meet the requirements and standards specified in the regulations or, in the absence of such regulations, that the affordable housing units meet requirements and standards specified in the by-law;
(d) in addition to requiring that the affordable housing units meet the requirements and standards specified in the regulations, may require that the affordable housing units meet additional requirements and standards specified in the by-law;	(d) in addition to requiring that the affordable housing units meet the requirements and standards specified in the regulations, may require that the affordable housing units meet additional requirements and standards specified in the by-law;
(e) shall provide for the measures and incentives specified in the regulations to	(e) shall provide for the measures and incentives specified in the regulations

## Bill 108 Amendments to the *Planning Act*

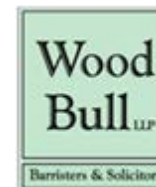
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
support the policies described in subsection 16 (4) or, in the absence of such regulations, may provide for measures and incentives to support those policies;	to support the policies described in subsection 16 (4) or, in the absence of such regulations, may provide for measures and incentives to support those policies;
(f) in addition to providing for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4), may provide for additional measures and incentives to support those policies;	(f) in addition to providing for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4), may provide for additional measures and incentives to support those policies;
(g) shall require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the regulations or, in the absence of such regulations, may require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the by-law;	(g) shall require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the regulations or, in the absence of such regulations, may require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the by-law;
(h) shall include the prescribed provisions and provisions about the prescribed matters; and	(h) shall include the prescribed provisions and provisions about the prescribed matters; and
(i) shall require that the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality, dealing with the matters mentioned in clauses (a) to (h) and ensuring continued compliance with those matters.	(i) shall require that the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality, dealing with the matters mentioned in clauses (a) to (h) and ensuring continued compliance with those matters.
<b>Procedure to ensure affordability maintained</b>	<b>Procedure to ensure affordability maintained</b>
(3) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time.	(3) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time.
<b>Same</b>	<b>Same</b>
(4) The procedure required under subsection (3) shall include the prescribed provisions and provisions about the prescribed matters.	(4) The procedure required under subsection (3) shall include the prescribed provisions and provisions about the prescribed matters.
<b>Restrictions on authority</b>	<b>Restrictions on authority</b>
(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4),	(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), <a href="#">the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of</a>

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	<u>some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units.</u>
(a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units; and	<del>(a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units; and</del>
(b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the by-law requirement for affordable housing units.	<del>(b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the by-law requirement for affordable housing units.</del>
<b>No authority for payment in lieu</b>	<b>No authority for payment in lieu</b>
(6) For greater certainty, if a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units.	(6) For greater certainty, if a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units.
<b>Registration of agreements</b>	<b>Registration of agreements</b>
(7) An agreement entered into under clause (2) (i) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of 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.	(7) An agreement entered into under clause (2) (i) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of 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.
<b>Application of <i>Municipal Act, 2001</i> or <i>City of Toronto Act, 2006</i></b>	<b>Application of <i>Municipal Act, 2001</i> or <i>City of Toronto Act, 2006</i></b>
(8) 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 the requirements imposed by an agreement entered into under clause (2) (i).	(8) 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 the requirements imposed by an agreement entered into under clause (2) (i).
<b>Reports and Information</b>	<b>Reports and Information</b>
(9) A council of a municipality that passes a by-law giving effect to policies	(9) A council of a municipality that passes a by-law giving effect to policies

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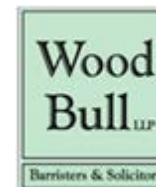
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described in subsection 16 (4) shall provide the prescribed reports and information concerning affordable housing units in the municipality to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.	described in subsection 16 (4) shall provide the prescribed reports and information concerning affordable housing units in the municipality to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.
<b>Holding provision by-law</b>	<b>Holding provision by-law</b>
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.
<b>Condition</b>	<b>Condition</b>
(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)
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 150 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the 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.	(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within <del>150</del> 90 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the 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.
<b>Matters of provincial interest</b>	<b>Matters of provincial interest</b>
(3.1) Where an appeal is made to the 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 Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,	(3.1) Where an appeal is made to the 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 Tribunal in writing not later than 30 days before the day fixed by the 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	(b) the general basis for the opinion that a matter of provincial interest is, or is

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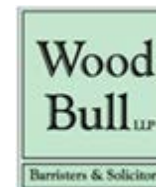
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likely to be, adversely affected.	likely to be, adversely affected.
<b>No hearing or notice required</b>	<b>No hearing or notice required</b>
(3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (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).
<b>No order to be made</b>	<b>No order to be made</b>
(3.3) If the Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice.	(3.3) If the Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice.
<b>Action of L.G. in C.</b>	<b>Action of L.G. in C.</b>
(3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal 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 Tribunal 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.
<b>Application of subss. 34 (10.7, 10.9-25.1)</b>	<b>Application of subss. 34 (10.7, 10.9-25.1)</b>
(4) Subsections 34 (10.7), (10.9) to (20.4) and (22) to (34) 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) <u>and</u> ; (10.9) to <u>(25.1)20.4</u> <u>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.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Increased density, etc., provision by-law</b>	<b>Increased density, etc., provision by-law</b>
<b>37</b> (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.	<del><b>37</b> (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.</del>
<b>Condition</b>	<b>Condition</b>
(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	<del>(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</del>

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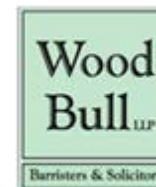


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
provisions relating to the authorization of increases in height and density of development.	<del>provisions relating to the authorization of increases in height and density of development.</del>
<b>Agreements</b>	<b>Agreements</b>
(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.	<del>(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.</del>
<b>Registration of agreement</b>	<b>Registration of agreement</b>
(4) Any agreement entered into under subsection (3) 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.	<del>(4) Any agreement entered into under subsection (3) 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.</del>
<b>Special account</b>	<b>Special account</b>
(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law.	<del>(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law.</del>
<b>Investments</b>	<b>Investments</b>
(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the <i>Municipal Act, 2001</i> or the <i>City of Toronto Act, 2006</i> , as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account.	<del>(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the <i>Municipal Act, 2001</i> or the <i>City of Toronto Act, 2006</i>, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account.</del>
<b>Treasurer's statement</b>	<b>Treasurer's statement</b>
(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account.	<del>(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account.</del>
<b>Requirements</b>	<b>Requirements</b>



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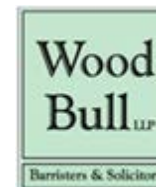
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(8) The statement shall include, for the preceding year,	<del>(8) The statement shall include, for the preceding year,</del>
(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;	<del>(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;</del>
(b) statements identifying,	<del>(b) statements identifying,</del>
(i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,	<del>(i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,</del>
(ii) details of the amounts spent, and	<del>(ii) details of the amounts spent, and</del>
(iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and	<del>(iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and</del>
(c) any other information that is prescribed.	<del>(c) any other information that is prescribed.</del>
<b>Copy to Minister</b>	<del><b>Copy to Minister</b></del>
(9) The treasurer shall give a copy of the statement to the Minister on request.	<del>(9) The treasurer shall give a copy of the statement to the Minister on request.</del>
<b>Statement available to public</b>	<del><b>Statement available to public</b></del>
(10) The council shall ensure that the statement is made available to the public.	<del>(10) The council shall ensure that the statement is made available to the public.</del>
	<u><b>Community benefits charges</b></u>
	<u>37 (1) In this section,</u>
	<u>“specified date” means the date prescribed under the <i>Development Charges Act, 1997</i> for the purposes of section 9.1 of that Act; (“date précisée”)</u>
	<u>“valuation date” means, with respect to land that is the subject of development or redevelopment,</u>
	<u>(a) the day before the day the building permit is issued in respect of the development or redevelopment, or</u>
	<u>(b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. (“date</u>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

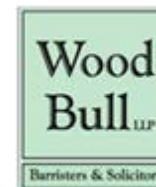


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#">d'évaluation")</a>
	<b><a href="#">Community benefits charge by-law</a></b>
	<a href="#">(2) The council of a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.</a>
	<b><a href="#">What charge can be imposed for</a></b>
	<a href="#">(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,</a>
	<a href="#">(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;</a>
	<a href="#">(b) the approval of a minor variance under section 45;</a>
	<a href="#">(c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;</a>
	<a href="#">(d) the approval of a plan of subdivision under section 51;</a>
	<a href="#">(e) a consent under section 53;</a>
	<a href="#">(f) the approval of a description under section 9 of the <i>Condominium Act, 1998</i>; or</a>
	<a href="#">(g) the issuing of a permit under the <i>Building Code Act, 1992</i> in relation to a building or structure.</a>
	<b><a href="#">Excluded development or redevelopment</a></b>
	<a href="#">(4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed.</a>
	<b><a href="#">Excluded facilities, services and matters</a></b>
	<a href="#">(5) A community benefits charge may not be imposed with respect to the following:</a>



## Bill 108 Amendments to the *Planning Act*

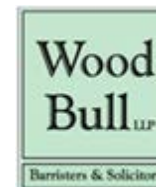
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the <i>Development Charges Act, 1997</i>.</u>
	<u>2. Such other facilities, services or matters as are prescribed.</u>
	<b><u>In-kind contributions</u></b>
	<u>(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.</u>
	<b><u>Notice of value of in-kind contributions</u></b>
	<u>(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.</u>
	<b><u>Deduction of value of in-kind contributions</u></b>
	<u>(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.</u>
	<b><u>Community benefits charge strategy</u></b>
	<u>(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,</u>
	<u>(a) identifies the facilities, services and matters that will be funded with community benefits charges; and</u>
	<u>(b) complies with any prescribed requirements.</u>
	<b><u>Consultation</u></b>
	<u>(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.</u>
	<b><u>Limitation</u></b>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>(11) Only one community benefits charge by-law passed by the council of a given municipality may be in effect at a time.</u>
	<b><u>Maximum amount of community benefits charge</u></b>
	<u>(12) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.</u>
	<b><u>Payment under protest and appraisal provided by owner</u></b>
	<u>(13) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (12), the owner shall,</u>
	<u>(a) pay the charge under protest; and</u>
	<u>(b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.</u>
	<b><u>No appraisal under cl. (13) (b)</u></b>
	<u>(14) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (13) (b), the payment is deemed not to have been made under protest.</u>
	<b><u>Appraisal provided by the municipality</u></b>
	<u>(15) If the municipality disputes the value of the land identified in the appraisal referred to in clause (13) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.</u>
	<b><u>No appraisal under subs. (15)</u></b>
	<u>(16) If the municipality does not provide an appraisal in accordance with subsection (15), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in</u>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#"><u>the appraisal referred to in clause (13) (b).</u></a>
	<a href="#"><u>Appraisal under subs. (15) within 5%</u></a>
	<a href="#"><u>(17) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b) or subsection (15), whichever identifies the higher value of the land.</u></a>
	<a href="#"><u>Appraisal under subs. (15) not within 5%</u></a>
	<a href="#"><u>(18) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (22) prepare an appraisal of the value of the land as of the valuation date.</u></a>
	<a href="#"><u>Time period for appraisal referred to in subs. (18)</u></a>
	<a href="#"><u>(19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period.</u></a>
	<a href="#"><u>Appraisal under subs. (18)</u></a>
	<a href="#"><u>(20) If an appraisal is prepared in accordance with subsection (18), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in subsection (18).</u></a>
	<a href="#"><u>Non-application of subss. (16), (17) and (20)</u></a>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>(21) For greater certainty, a refund is not required under subsection (16), (17) or (20) if the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the applicable appraisal is greater than the amount of the community benefits charge imposed by the municipality.</u>
	<b><u>List of appraisers</u></b>
	<u>(22) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,</u>
	<u>(a) are not employees of the municipality or members of its council; and</u>
	<u>(b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18).</u>
	<b><u>Same</u></b>
	<u>(23) A municipality shall maintain the list referred to in subsection (22) until the later of,</u>
	<u>(a) the day on which the community benefits charge by-law is repealed; and</u>
	<u>(b) the day on which there is no longer any refund that is or could be required to be made under subsection (20).</u>
	<b><u>No building without payment</u></b>
	<u>(24) No person shall construct a building on the land proposed for development or redevelopment unless,</u>
	<u>(a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and</u>
	<u>(b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.</u>
	<b><u>Special account</u></b>

## Bill 108 Amendments to the *Planning Act*

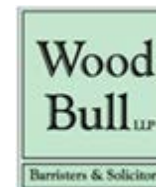
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#"><u>(25) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.</u></a>
	<a href="#"><u>Investments</u></a>
	<a href="#"><u>(26) The money in the special account may be invested in securities in which the municipality is permitted to invest under the <i>Municipal Act, 2001</i> or the <i>City of Toronto Act, 2006</i>, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.</u></a>
	<a href="#"><u>Requirement to spend or allocate monies in special account</u></a>
	<a href="#"><u>(27) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.</u></a>
	<a href="#"><u>Reports and information</u></a>
	<a href="#"><u>(28) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.</u></a>
	<a href="#"><u>Application of subs. (30)</u></a>
	<a href="#"><u>(29) Subsection (30) applies with respect to the following:</u></a>
	<a href="#"><u>1. A special account established in accordance with subsection 37 (5), as it read on the day before the day section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force.</u></a>
	<a href="#"><u>2. A reserve fund established in accordance with section 33 of the <i>Development Charges Act, 1997</i> before the day section 2 of Schedule 3 to the <i>More Homes, More Choice Act, 2019</i> comes into force in respect of any of the services described in subsection 9.1 (3) of the <i>Development Charges Act, 1997</i>.</u></a>
	<a href="#"><u>Transition respecting special account and reserve fund described in subs. (29)</u></a>

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>(30) The following rules apply with respect to a special account or reserve fund described in subsection (29):</u>
	<u>1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (25).</u>
	<u>2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.</u>
	<u>3. Despite paragraph 2, subsection 417 (4) of the <i>Municipal Act, 2001</i> and any equivalent provision of, or made under, the <i>City of Toronto Act, 2006</i> do not apply with respect to the general capital reserve fund referred to in paragraph 2.</u>
	<u>4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (25).</u>
	<u><b>Credit under s. 38 of <i>Development Charges Act, 1997</i></b></u>
	<u>(31) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the <i>Development Charges Act, 1997</i> that was held as of the day before the day the by-law is passed and that relates to any of the services described in subsection 9.1 (3) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.</u>
	<u><b>Transitional matters respecting repealed s. 37, etc.</b></u>
	<u><b>Definitions</b></u>
	<u>37.1 (1) In this section,</u>

## Bill 108 Amendments to the *Planning Act*

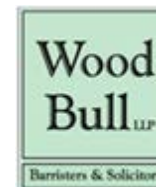
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>“by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”)</u>
	<u>“effective date” means the day section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force. (“date d’effet”)</u>
	<b><u>Continued application of repealed subs. 37 (1) to (5)</u></b>
	<u>(2) Despite their repeal by section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i>, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:</u>
	<u>1. Subsections 37 (1) to (4), as they read on the day before the effective date.</u>
	<u>2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).</u>
	<b><u>By-law described in repealed subs. 37 (1)</u></b>
	<u>(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):</u>
	<u>1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.</u>
	<u>2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).</u>
	<u>3. Despite subsections 2 (4) and 9 (1) of the <i>Development Charges Act, 1997</i>, the development or redevelopment of the lands that are the subject of</u>

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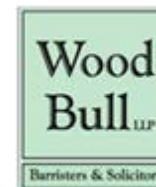


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the lands on the day before the applicable date described in subsection (5) of this section, regardless of whether the development charge by-law has expired or been repealed.</u>
	<u>4. For the purposes of paragraph 3, the following rules apply:</u>
	<u>i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection (5).</u>
	<u>ii. despite section 34 of the <i>Development Charges Act, 1997</i>, if paragraph 3 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.</u>
	<u>5. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.</u>
	<u>6. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is subject to any by-law under section 42, as it read on the day before the day subsection 12 (3) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, that applied to the lands on the day before the effective date, regardless of whether the by-law has been repealed.</u>
	<u>7. For the purposes of paragraph 6, the reference to a by-law under section 42 is a reference to the by-law, as it read on the day before the effective date.</u>
	<b><u>Non-application of subs. (3)</u></b>
	<u>(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,</u>
	<u>(a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before</u>



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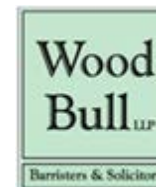
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#">the effective date; or</a>
	<a href="#">(b) is repealed.</a>
	<a href="#">Applicable date</a>
	<a href="#">(5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of,</a>
	<a href="#">(a) the day the municipality passes a by-law under section 37; and</a>
	<a href="#">(b) the date prescribed under the <i>Development Charges Act, 1997</i> for the purposes of section 9.1 of that Act.</a>
<b>Interim control by-law</b>	<b>Interim control by-law</b>
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.
<b>Extension of period by-law in effect</b>	<b>Extension of period by-law in effect</b>
(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.
<b>Notice of passing of by-law</b>	<b>Notice of passing of by-law</b>
(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.

## Bill 108 Amendments to the *Planning Act*

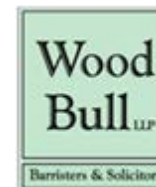
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Appeal to L.P.A.T. re by-law passed under subs. (1)</b>	<b>Appeal to L.P.A.T. re by-law passed under subs. (1)</b>
(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 of appeal setting out the objection to the by-law and the reasons in support of the objection.	(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 of appeal setting out the objection to the by-law and the reasons in support of the objection.
<b>Appeal to L.P.A.T. re by-law passed under subs. (2)</b>	<b>Appeal to L.P.A.T. re by-law passed under subs. (2)</b>
(4.1) Any person or public body who was given notice of the passing of a by-law under subsection (2) may, within 60 days after the date of the passing of the by-law, appeal to the 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.	(4.1) Any person or public body who was given notice of the passing of a by-law under subsection (2) may, within 60 days after the date of the passing of the by-law, appeal to the 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.
<b>Application</b>	<b>Application</b>
(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26), as they read on the day before subsection 12 (2) of Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> comes into force, apply with necessary modifications to the appeal.	(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26), <del>as they read on the day before subsection 12 (2) of Schedule 3 to the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> comes into force,</del> apply with necessary modifications to the appeal.
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>When prior zoning by-law again has effect</b>	<b>When prior zoning by-law again has effect</b>
(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.
<b>Where by-law appealed</b>	<b>Where by-law appealed</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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 Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed.	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 Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed.
<b>Prohibition</b>	<b>Prohibition</b>
(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.
<b>Application of s. 34 (9)</b>	<b>Application of s. 34 (9)</b>
(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).
<b>Conveyance of land for park purposes</b>	<b>Conveyance of land for park purposes</b>
<b>Definitions</b>	<b>Definitions</b>
42 (0.1) In this section,	<del>42 (0.1) In this section;</del>
“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)	<del>“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)</del>
“effective date” means the day subsection 28 (1) of <i>the Smart Growth for Our Communities Act, 2015</i> comes into force. (“date d’effet”)	<del>“effective date” means the day subsection 28 (1) of <i>the Smart Growth for Our Communities Act, 2015</i> comes into force. (“date d’effet”)</del>
<b>Conveyance</b>	<b>Conveyance</b>
(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.	(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

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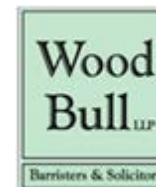
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(2) Repealed: 2015, c. 26, s. 28 (2).	<del>(2) Repealed: 2015, c. 26, s. 28 (2).</del>
	<u>Community benefits charge by-law</u>
	<u>(2) Subject to paragraph 6 of subsection 37.1 (3), a by-law under subsection (1) is of no force and effect if a community benefits charge by-law under section 37 passed by the council of the local municipality is in force.</u>
<b>Alternative requirement</b>	<b>Alternative requirement</b>
(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.	<del>(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.</del>
<b>Official plan requirement</b>	<b>Official plan requirement</b>
(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.	<del>(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.</del>
<b>Parks plan</b>	<b>Parks plan</b>
(4.1) Before adopting the official plan policies described in subsection (4), the local municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality.	<del>(4.1) Before adopting the official plan policies described in subsection (4), the local municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality.</del>
<b>Same</b>	<b>Same</b>
(4.2) In preparing the parks plan, the municipality,	<del>(4.2) In preparing the parks plan, the municipality,</del>
(a) shall consult with every school board that has jurisdiction in the municipality; and	<del>(a) shall consult with every school board that has jurisdiction in the municipality; and</del>
(b) may consult with any other persons or public bodies that the municipality considers appropriate.	<del>(b) may consult with any other persons or public bodies that the municipality considers appropriate.</del>

## Bill 108 Amendments to the *Planning Act*

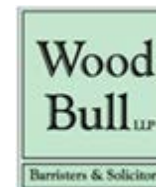
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<b>Same</b>	<b>Same</b>
(4.3) For greater certainty, subsection (4.1) and clause (4.2) (a) do not apply with respect to official plan policies adopted before the effective date	<del>(4.3) For greater certainty, subsection (4.1) and clause (4.2) (a) do not apply with respect to official plan policies adopted before the effective date</del>
<b>Use and sale of land</b>	<b>Use and sale of land</b>
(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.	(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.
<b>Payment in lieu</b>	<b>Payment in lieu</b>
(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed.	(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed.
<b>Same</b>	<b>Same</b>
(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law.	<del>(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law.</del>
<b>Deemed amendment of by-law</b>	<b>Deemed amendment of by-law</b>
(6.0.2) If a by-law passed under this section requires a payment in lieu that exceeds the amount calculated under subsection (6.0.1), in circumstances where the alternative requirement set out in subsection (3) applies, the by-law is deemed to be amended to be consistent with subsection (6.0.1).	<del>(6.0.2) If a by-law passed under this section requires a payment in lieu that exceeds the amount calculated under subsection (6.0.1), in circumstances where the alternative requirement set out in subsection (3) applies, the by-law is deemed to be amended to be consistent with subsection (6.0.1).</del>
<b>Transition</b>	<b>Transition</b>
(6.0.3) If, on or before the effective date, in circumstances where the alternative requirement set out in subsection (3) applies, a payment in lieu has been made or arrangements for a payment in lieu that are satisfactory to the council have been made, subsections (6.0.1) and (6.0.2) do not apply.	<del>(6.0.3) If, on or before the effective date, in circumstances where the alternative requirement set out in subsection (3) applies, a payment in lieu has been made or arrangements for a payment in lieu that are satisfactory to the council have been made, subsections (6.0.1) and (6.0.2) do not apply.</del>
<b>No building without payment</b>	<b>No building without payment</b>
(6.1) If a payment is required under subsection (6) or (6.0.1), no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are	(6.1) If a payment is required under subsection (6) <del>or (6.0.1)</del> , no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are

## Bill 108 Amendments to the *Planning Act*

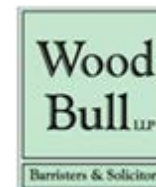
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
satisfactory to the council have been made.	satisfactory to the council have been made.
<b>Redevelopment, reduction of payment</b>	<b>Redevelopment, reduction of payment</b>
(6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) or (6.0.1) by the value of that part.	(6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) <del>or (6.0.1)</del> by the value of that part.
<b>Same</b>	<b>Same</b>
(6.3) The conditions mentioned in subsection (6.2) are:	(6.3) The conditions mentioned in subsection (6.2) are:
1. The official plan contains policies relating to the reduction of payments required under subsection (6) or (6.0.1).	1. The official plan contains policies relating to the reduction of payments required under subsection (6) <del>or (6.0.1)</del> .
2. No land is available to be conveyed for park or other public recreational purposes under this section.	2. No land is available to be conveyed for park or other public recreational purposes under this section.
<b>Determination of value</b>	<b>Determination of value</b>
(6.4) For the purposes of subsections (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.	(6.4) For the purposes of subsections (6), <del>(6.0.1)</del> and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
<b>Where land conveyed</b>	<b>Where land conveyed</b>
(7) If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality or is owing to it under this section or a condition imposed under section 51.1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless,	(7) If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality or is owing to it under this section or a condition imposed under section 51.1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless,
(a) there is a change in the proposed development or redevelopment which would increase the density of development; or	(a) there is a change in the proposed development or redevelopment which would increase the density of development; or

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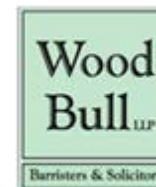


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.	(b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.
<b>Non-application</b>	<b>Non-application</b>
(8) Despite clauses 74.1 (2) (h) and (i), subsection (7) does not apply to land proposed for development or redevelopment if, before this subsection comes into force, the land was subject to a condition that land be conveyed to a municipality for park or other public purposes or that a payment of money in lieu of such conveyance be made under this section or under section 51 or 53.	(8) Despite clauses 74.1 (2) (h) and (i), subsection (7) does not apply to land proposed for development or redevelopment if, before this subsection comes into force, the land was subject to a condition that land be conveyed to a municipality for park or other public purposes or that a payment of money in lieu of such conveyance be made under this section or under section 51 or 53.
<b>Changes</b>	<b>Changes</b>
(9) If there is a change under clause (7) (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.	(9) If there is a change under clause (7) (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.
<b>Disputes</b>	<b>Disputes</b>
(10) In the event of a dispute between a municipality and an owner of land on the value of land determined under subsection (6.4), either party may apply to the Tribunal to have the value determined and the Tribunal shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land and, if a payment has been made under protest under subsection (12), the Tribunal may order that a refund be made to the owner.	(10) In the event of a dispute between a municipality and an owner of land on the value of land determined under subsection (6.4), either party may apply to the Tribunal to have the value determined and the Tribunal shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land and, if a payment has been made under protest under subsection (12), the Tribunal may order that a refund be made to the owner.
<b>Same</b>	<b>Same</b>
(11) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money that may be required under subsection (9), either party may apply to the Tribunal and the Tribunal shall make a final determination of the matter.	(11) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money that may be required under subsection (9), either party may apply to the Tribunal and the Tribunal shall make a final determination of the matter.
<b>Payment under protest</b>	<b>Payment under protest</b>



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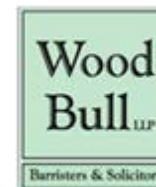


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(12) If there is a dispute between a municipality and the owner of land under subsection (10), the owner may pay the amount required by the municipality under protest and shall make an application to the Tribunal under subsection (10) within 30 days of the payment of the amount.	(12) If there is a dispute between a municipality and the owner of land under subsection (10), the owner may pay the amount required by the municipality under protest and shall make an application to the Tribunal under subsection (10) within 30 days of the payment of the amount.
<b>Notice</b>	<b>Notice</b>
(13) If an owner of land makes a payment under protest and an application to the Tribunal under subsection (12), the owner shall give notice of the application to the municipality within 15 days after the application is made.	(13) If an owner of land makes a payment under protest and an application to the Tribunal under subsection (12), the owner shall give notice of the application to the municipality within 15 days after the application is made.
<b>Park purposes</b>	<b>Park purposes</b>
(14) The council of a municipality may include in its estimates an amount to be used for the acquisition of land to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (15) that amount, and any person may pay any sum into the same fund.	(14) The council of a municipality may include in its estimates an amount to be used for the acquisition of land to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (15) that amount, and any person may pay any sum into the same fund.
<b>Special account</b>	<b>Special account</b>
(15) All money received by the municipality under subsections (6), (6.0.1) and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.	(15) All money received by the municipality under subsections (6), <del>(6.0.1)</del> and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.
<b>Investments</b>	<b>Investments</b>
(16) The money in the special account may be invested in securities in which the municipality is permitted to invest under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account.	(16) The money in the special account may be invested in securities in which the municipality is permitted to invest under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account.
<b>Treasurer's statement</b>	<del><b>Treasurer's statement</b></del> <b>Reports and information</b>
(17) The treasurer of the municipality shall each year, on or before the date	(17) <del>The treasurer of the municipality shall each year, on or before the date</del>



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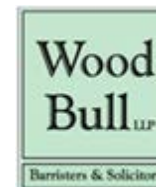
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specified by the council, give the council a financial statement relating to the special account.	<del>specified by the council, give the council a financial statement relating to the special account.</del> <u>A council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.</u>
<b>Requirements</b>	<b>Requirements</b>
(18) The statement shall include, for the preceding year,	<del>(18) The statement shall include, for the preceding year,</del>
(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;	<del>(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;</del>
(b) statements identifying,	<del>(b) statements identifying,</del>
(i) any land or machinery acquired during the year with funds from the special account,	<del>(i) any land or machinery acquired during the year with funds from the special account,</del>
(ii) any building erected, improved or repaired during the year with funds from the special account,	<del>(ii) any building erected, improved or repaired during the year with funds from the special account,</del>
(iii) details of the amounts spent, and	<del>(iii) details of the amounts spent, and</del>
(iv) for each asset mentioned in subclauses (i) and (ii), the manner in which any capital cost not funded from the special account was or will be funded; and	<del>(iv) for each asset mentioned in subclauses (i) and (ii), the manner in which any capital cost not funded from the special account was or will be funded; and</del>
(c) any other information that is prescribed.	<del>(c) any other information that is prescribed.</del>
<b>Copy to Minister</b>	<b>Copy to Minister</b>
(19) The treasurer shall give a copy of the statement to the Minister on request.	<del>(19) The treasurer shall give a copy of the statement to the Minister on request.</del>
<b>Statement available to public</b>	<b>Statement available to public</b>
(20) The council shall ensure that the statement is made available to the public.	<del>(20) The council shall ensure that the statement is made available to the public.</del>
<b>Powers of committee</b>	<b>Powers of committee</b>
<b>45.</b> (1) The committee of adjustment, upon the application of the owner of	<b>45.</b> (1) The committee of adjustment, upon the application of the owner of

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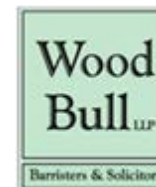
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any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions 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.	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.
<b>Prescribed criteria</b>	<b>Prescribed criteria</b>
(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.
<b>Same</b>	<b>Same</b>
(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.
<b>Criteria by-law</b>	<b>Criteria by-law</b>
(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, 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, 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, <del>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,</del> apply, with necessary modifications, in respect of the by-law:
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).
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Coming into force</b>	<b>Coming into force</b>
(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,

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(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 Tribunal 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 Tribunal 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 Tribunal allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Tribunal makes a decision disposing of the appeal; or	(d) if the Tribunal allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Tribunal makes a decision disposing of the appeal; or
(e) if the Tribunal 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 Tribunal 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.
<b>Restriction</b>	<b>Restriction</b>
(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> .
<b>Same</b>	<b>Same</b>
(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).
<b>When subs. (1.3) applies</b>	<b>When subs. (1.3) applies</b>
(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.
<b>Two-year period, no application for minor variance</b>	<b>Two-year period, no application for minor variance</b>
(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure	(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
before the second anniversary of the day on which the by-law was amended.	before the second anniversary of the day on which the by-law was amended.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Other powers</b>	<b>Other powers</b>
(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.
<b>Power of committee to grant minor variances</b>	<b>Power of committee to grant minor variances</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

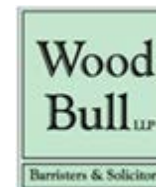
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	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.
<b>Time for hearing</b>	<b>Time for hearing</b>
(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.
<b>Notice of hearing</b>	<b>Notice of hearing</b>
(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.
<b>Hearing</b>	<b>Hearing</b>
(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.
<b>Oaths</b>	<b>Oaths</b>
(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.
<b>Decision</b>	<b>Decision</b>
(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.
<b>Same</b>	<b>Same</b>
(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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(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.
<b>Conditions in decision</b>	<b>Conditions in decision</b>
(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.
<b>Agreement re terms and conditions</b>	<b>Agreement re terms and conditions</b>
(9.1) If the committee imposes terms and conditions under 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.	(9.1) If the committee imposes terms and conditions under 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.
<b>Registration of agreement</b>	<b>Registration of agreement</b>
(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.
<b>Notice of decision</b>	<b>Notice of decision</b>
(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,

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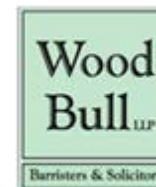


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
together with a notice of the last day for appealing to the Tribunal.	together with a notice of the last day for appealing to the Tribunal.
<b>Additional material</b>	<b>Additional material</b>
(11) Where the secretary-treasurer is required 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.
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(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 Tribunal 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 charged by the Tribunal under the <i>Local Planning Appeal Tribunal Act, 2017</i> as payable on an appeal from a committee of adjustment to the Tribunal.	(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 Tribunal 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 charged by the Tribunal under the <i>Local Planning Appeal Tribunal Act, 2017</i> as payable on an appeal from a committee of adjustment to the Tribunal.
<b>Idem</b>	<b>Idem</b>
(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Tribunal, 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 Tribunal; 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 Tribunal, 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 Tribunal; and  (e) any other prescribed information and material.
<b>Exception</b>	<b>Exception</b>
(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 Tribunal.	(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 Tribunal.



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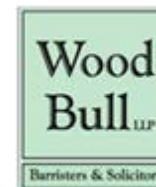


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Decision final</b>	<b>Decision final</b>
(13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer 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.
<b>Where no appeal</b>	<b>Where no appeal</b>
(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.
<b>Where appeals withdrawn</b>	<b>Where appeals withdrawn</b>
(15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal 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 Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal 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.
<b>Hearing</b>	<b>Hearing</b>
(16) On an appeal to the Tribunal, the Tribunal 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 Tribunal may determine.	(16) On an appeal to the Tribunal, the Tribunal 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 Tribunal may determine.
<b>Dismissal without hearing</b>	<b>Dismissal without hearing</b>
(17) Despite the <i>Statutory Powers Procedure Act</i> and subsection (16), the Tribunal 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 Tribunal may, <u>on its own initiative or on the motion of any party,</u> dismiss all or part of an appeal without holding a hearing, <del>on its own initiative or on the motion of any party,</del> 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 Tribunal 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 Tribunal could allow all or part of the appeal,



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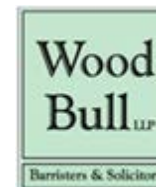
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(ii) the appeal is not made in good faith or is frivolous or vexatious,	(ii) the appeal is not made in good faith or is frivolous or vexatious,
(iii) the appeal is made only for the purpose of delay, or	(iii) the appeal is made only for the purpose of delay, or
(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;	(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal 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 charged under the <i>Local Planning Appeal Tribunal, 2017</i> ; or	(c) the appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal, 2017</i> ; or
(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.
<b>Representation</b>	<b>Representation</b>
(17.1) 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 clause (17) (d).	(17.1) 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 clause (17) (d).
<b>Dismissal</b>	<b>Dismissal</b>
(17.2) The Tribunal 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 Tribunal 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.
<b>Powers of L.P.A.T.</b>	<b>Powers of L.P.A.T.</b>
(18) The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application.	(18) The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application.
<b>Amended application</b>	<b>Amended application</b>
(18.1) On an appeal, the Tribunal 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 Tribunal 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.

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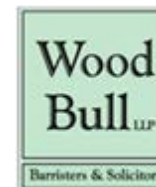
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Exception</b>	<b>Exception</b>
(18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor.	(18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor.
<b>Notice of intent</b>	<b>Notice of intent</b>
(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 Tribunal 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 Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
<b>Order</b>	<b>Order</b>
(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Tribunal 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 Tribunal may issue its order.
<b>Hearing</b>	<b>Hearing</b>
(18.4) If a notice of intent is received, the Tribunal 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 Tribunal 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.
<b>Notice of decision</b>	<b>Notice of decision</b>
(19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.	(19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.
<b>Idem</b>	<b>Idem</b>
(20) The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality.	(20) The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality.
<b>PART VI SUBDIVISION OF LAND</b>	<b>PART VI SUBDIVISION OF LAND</b>
<b>Plan of subdivision approvals</b>	<b>Plan of subdivision approvals</b>
<b>51.</b> (1), (2) Repealed: 2002, c. 17, Sched. B, s. 19 (1).	<b>51.</b> (1), (2) Repealed: 2002, c. 17, Sched. B, s. 19 (1).
<b>Minister is approval authority</b>	<b>Minister is approval authority</b>
(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.

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Deemed approval authority</b>	<b>Deemed approval authority</b>
(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.
<b>Single-tier municipality</b>	<b>Single-tier municipality</b>
(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.
<b>Upper-tier municipality</b>	<b>Upper-tier municipality</b>
(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.
<b>Timing, upper-tier as approval authority</b>	<b>Timing, upper-tier as approval authority</b>
(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).
<b>Prescribed lower-tier municipality</b>	<b>Prescribed lower-tier municipality</b>
(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.
<b>Prescribed single-tier municipality in a territorial district</b>	<b>Prescribed single-tier municipality in a territorial district</b>
(7) If land is in a prescribed single-tier municipality that is in a territorial district, the municipality is the approval authority for the purposes of this section and section 51.1.	(7) If land is in a prescribed single-tier municipality that is 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).
<b>Removal of power</b>	<b>Removal of power</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
of any or all applications made after the order is made.	of any or all applications made after the order is made.
<b>Minister to be approval authority</b>	<b>Minister to be approval authority</b>
(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.
<b>Revocation</b>	<b>Revocation</b>
(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.
<b>Delegation</b>	<b>Delegation</b>
(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.
<b>Effect of revocation</b>	<b>Effect of revocation</b>
(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.
<b>Application</b>	<b>Application</b>
(16) An owner of land or the owner's agent duly authorized in writing may	(16) An owner of land or the owner's agent duly authorized in writing may

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
apply to the approval authority for approval of a plan of subdivision of the land or part of it.	apply to the approval authority for approval of a plan of subdivision of the land or part of it.
<b>Consultation</b>	<b>Consultation</b>
(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).
<b>Contents</b>	<b>Contents</b>
(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	(g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands

## Bill 108 Amendments to the *Planning Act*

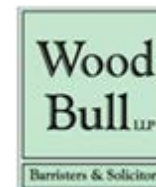
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
wooded areas within or adjacent to the land proposed to be subdivided;	and wooded areas within or adjacent to the land proposed to be subdivided;
(h) the availability and nature of domestic 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 land proposed to be subdivided;	(j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the 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.
<b>Other information</b>	<b>Other information</b>
(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.
<b>Refusal and timing</b>	<b>Refusal and timing</b>
(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.
<b>Response re completeness of application</b>	<b>Response re completeness of application</b>
(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.

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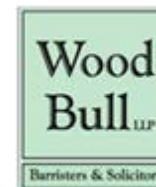


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Motion re dispute</b>	<b>Motion re dispute</b>
(19.2) Within 30 days after a negative notice is given under subsection (19.1), the applicant or the approval authority may make a motion for directions to have the Tribunal determine,	(19.2) 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 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.
<b>Same</b>	<b>Same</b>
(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 described in subsection (19.1) has elapsed.	(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 described in subsection (19.1) has elapsed.
<b>Alternative measures</b>	<b>Alternative measures</b>
(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.
<b>Same</b>	<b>Same</b>
(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).
<b>Restriction</b>	<b>Restriction</b>
(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.
<b>Notice of particulars and public access</b>	<b>Notice of particulars and public access</b>
(19.4) Within 15 days after the approval authority gives an affirmative notice under subsection (19.1), or within 15 days after the Tribunal 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 Tribunal 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,



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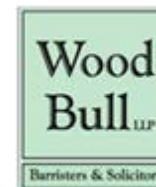


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application, accompanied by the prescribed information; and	(a) give the prescribed persons and public bodies, in the prescribed manner, notice of 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.
<b>Final determination</b>	<b>Final determination</b>
(19.5) The Tribunal's determination under subsection (19.2) is not subject to appeal or review.	(19.5) The Tribunal's determination under subsection (19.2) is not subject to appeal or review.
<b>Notice</b>	<b><del>Notice</del>Public Meeting</b>
(20) At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,	(20) <del>At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,</del> <u>Before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that 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 prescribed and shall contain the information prescribed.</u>
(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	<del>(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</del>
(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.	<del>(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.</del>
<b>Request</b>	<b>Request</b>
(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 <del>give notice of the application or</del> hold the public meeting referred to in subsection (20) <del>or do both.</del>
<b>Responsibilities</b>	<b>Responsibilities</b>
(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 <del>to give the notice</del> <u>hold the public meeting</u> referred to in <del>clause subsection</del> (20) <del>(a)</del> shall ensure that,
(a) the notice is given in accordance with the regulation made under clause	<del>(a) the notice is given in accordance with the regulation made under clause</del>



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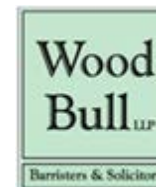
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(20) (a); and	<del>(20) (a)</del> <u>notice of the meeting is given in accordance with subsection (20); and</u>
(b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given.	<del>(b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given.</del> <u>the public meeting is held;</u> <u>and</u>
	<u>(c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held.</u>
<b>Same</b>	<b>Same</b>
(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.
<b>Written submissions</b>	<b>Written submissions</b>
(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).
<b>Consultation</b>	<b>Consultation</b>
(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.
<b>Criteria</b>	<b>Criteria</b>
(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;

## Bill 108 Amendments to the *Planning Act*

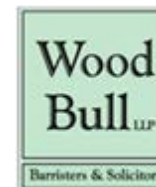
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(b) whether the proposed subdivision is premature or in the public interest;	(b) whether the proposed subdivision is premature or in the public interest;
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	(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> .
<b>Conditions</b>	<b>Conditions</b>
(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,	(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,

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including a requirement,	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;
(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.
<b>Agreements</b>	<b>Agreements</b>
(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.
<b>Land outside municipalities</b>	<b>Land outside municipalities</b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

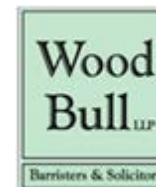
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<b><i>Planning Act</i></b>	<b><i>Planning Act with Bill 108 Amendments</i></b>
enforce the provisions of it against the owner and, subject to the <i>Registry Act</i> and the <i>Land Titles Act</i> , any and all subsequent owners of land.	to enforce 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).
<b>Decision</b>	<b>Decision</b>
(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.
<b>Lapse of approval</b>	<b>Lapse of approval</b>
(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at 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 Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51).	(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at 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 Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51).
<b>Extension</b>	<b>Extension</b>
(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.
<b>Appeal to L.P.A.T</b>	<b>Appeal to L.P.A.T</b>
(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 Tribunal with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</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 <del>180</del> 120 days after the day the application is received by the approval authority, the applicant may appeal to the Tribunal with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> .
<b><i>Consolidated Hearings Act</i></b>	<b><i>Consolidated Hearings Act</i></b>
(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	(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

## Bill 108 Amendments to the *Planning Act*

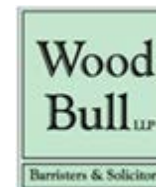
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
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.	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.
<b>Record</b>	<b>Record</b>
(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 Tribunal within 15 days after the notice is filed.	(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed.
<b>Exception</b>	<b>Exception</b>
(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 Tribunal.	(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 Tribunal.
<b>Where all appeals withdrawn</b>	<b>Where all appeals withdrawn</b>
(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).
<b>Withdrawal</b>	<b>Withdrawal</b>
(36) If an appeal under subsection (34) is withdrawn, the Tribunal 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 Tribunal shall notify the approval authority and the approval authority may proceed to make a decision under subsection (31).
<b>Notice</b>	<b>Notice</b>
(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	(b) each person or public body that made a written request to be notified of

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
decision;	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.
<b>Contents</b>	<b>Contents</b>
(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.
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(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.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Exception</b>	<b>Exception</b>
(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.
<b>Appeal</b>	<b>Appeal</b>
(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	(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

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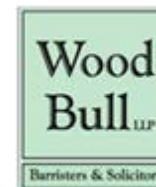


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> :	Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> :
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 <del>person or</del> public body <del>who</del> <u>that</u> , before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.
	<u>2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</u>
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.
<b>Notice completed</b>	<b>Notice completed</b>
(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.
<b>No appeal</b>	<b>No appeal</b>
(41) If no appeal is filed under subsection (39) or (48), subject to any other	(41) If no appeal is filed under subsection (39) or (48), subject to any other



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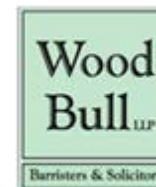


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
right of appeal that may be exercised under this section and subject to subsection (44), the decision of the approval authority to give or to refuse to give approval to a draft plan of subdivision shall be deemed to have been made on the day after the last day for appealing the decision.	right of appeal that may be exercised under this section and subject to subsection (44), 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.
<b>Declaration</b>	<b>Declaration</b>
(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.
<b>Appeal</b>	<b>Appeal</b>
(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 Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</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 Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> :
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.
	<a href="#"><u>2.1. A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</u></a>
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.
<b>Withdrawal of approval</b>	<b>Withdrawal of approval</b>
(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	(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



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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
before the approval of the final plan of subdivision under subsection (58).	time before the approval of the final plan of subdivision under subsection (58).
<b>Notice</b>	<b>Notice</b>
(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;
(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).
<b>No notice</b>	<b>No notice</b>
(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.
<b>Appeal</b>	<b>Appeal</b>
(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> :	(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> :
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	2. A <del>person or</del> public body <del>who</del> <u>that</u> , 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

## Bill 108 Amendments to the *Planning Act*

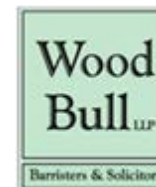
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
notified of changes to the conditions.	request to be notified of changes to the conditions.
	<a href="#">2.1 A person listed in subsection (48.3) who, before the approval authority gave 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.</a>
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.

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<b>Restriction</b>	<b>Restriction</b>
(48.1) Despite subsection (48), there is no appeal in respect of a changed condition that gives effect to a policy described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 8 (6).	(48.1) Despite subsection (48), there is no appeal in respect of a changed condition that gives effect to a policy described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 8 (6).
<b>Exception re Minister</b>	<b>Exception re Minister</b>
(48.2) Subsection (48.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 8 (6).	(48.2) Subsection (48.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 8 (6).
	<b><u>Persons referred to in para. 2.1 of subs. (39), etc.</u></b>
	<b><u>(48.3) The following are listed for the purposes of paragraph 2.1 of subsection (39), paragraph 2.1 of subsection (43) and paragraph 2.1 of subsection (48):</u></b>
	<b><u>1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.</u></b>
	<b><u>2. Ontario Power Generation Inc.</u></b>
	<b><u>3. Hydro One Inc.</u></b>
	<b><u>4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.</u></b>
	<b><u>5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.</u></b>
	<b><u>6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the <i>Technical Standards and Safety Act, 2000</i>, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.</u></b>
	<b><u>7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.</u></b>
	<b><u>8. A company operating as a telecommunication infrastructure provider in</u></b>

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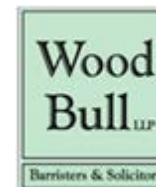
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	<a href="#"><u>the area to which the plan of subdivision would apply.</u></a>
<b>Restriction</b>	<b>Restriction</b>
(49) If the person appealing the changed conditions is other than the applicant or a public body, the appeal must be filed not later 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.
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(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
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(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 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 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.
<b>Extension of time</b>	<b>Extension of time</b>
(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.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(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.
<b>Record</b>	<b>Record</b>
(50) An approval authority that receives a notice of appeal under subsection	(50) An approval authority that receives a notice of appeal under subsection

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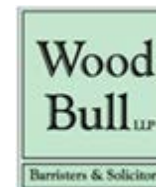
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(39), (43) or (48) shall ensure that,	(39), (43) or (48) shall ensure that,
(a) a record is compiled which includes the prescribed information and material; and	(a) a record is compiled which includes the prescribed information and material; and
(b) the record, notice of appeal and the fee are forwarded to the 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.	(b) the record, notice of appeal and the fee are forwarded to the 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.
<b>Exception</b>	<b>Exception</b>
(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 Tribunal.	(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 Tribunal.
<b>Deemed decision</b>	<b>Deemed decision</b>
(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 appeal that may be exercised under this section and subject to subsection (44).	(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 appeal that may be exercised under this section and subject to subsection (44).
<b>Appeals withdrawn</b>	<b>Appeals withdrawn</b>
(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 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).	(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 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).
<b>Hearing</b>	<b>Hearing</b>
(52) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may	(52) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal

## Bill 108 Amendments to the *Planning Act*

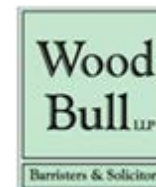
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
determine.	may determine.
<b>Restriction re adding parties</b>	<b>Restriction re adding parties</b>
(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.
<b>Same</b>	<b>Same</b>
(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 Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.	2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.
<b>New evidence at hearing</b>	<b>New evidence at hearing</b>
(52.3) This subsection applies if information and material 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.	(52.3) This subsection applies if information and material 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.
<b>Same</b>	<b>Same</b>
(52.4) If subsection (52.3) applies and if the approval authority so requests, the Tribunal shall not admit the information and material into evidence until subsection (52.5) has been complied with and the prescribed time period has	(52.4) <del>If subsection (52.3) applies and if the approval authority so requests, the Tribunal shall not admit the information and material into evidence until subsection (52.5) has been complied with and the prescribed time period has</del>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
elapsed.	<del>elapsed.</del> <u>When subsection (52.3) applies, the Tribunal 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 Tribunal determines 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.</u>
	<b>Editorial Note:</b> The amended language is the same as that in the pre-Bill 139 version of the <i>Planning Act</i> .
<b>Notice to approval authority</b>	<b>Notice to approval authority</b>
(52.5) The Tribunal shall notify the approval authority that it is being given an opportunity to,	(52.5) The Tribunal 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 Tribunal.	(b) make a written recommendation to the Tribunal.
<b>Approval authority's recommendation</b>	<b>Approval authority's recommendation</b>
(52.6) The Tribunal 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 Tribunal 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.
<b>Conflict with SPPA</b>	<b>Conflict with SPPA</b>
(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> .
<b>Dismissal without hearing</b>	<b>Dismissal without hearing</b>
(53) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Tribunal 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 Tribunal may, <u>on its own initiative or on the motion of any party</u> , dismiss an appeal without holding <del>a hearing on its own initiative or on the motion of any party</del> , 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 Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as to	(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as

## Bill 108 Amendments to the *Planning Act*

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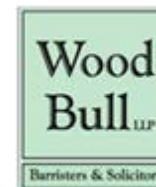


<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
the condition appealed to it,	to the condition appealed to it,
(ii) the appeal is not made in good faith or is frivolous or vexatious,	(ii) the appeal is not made in good faith or is frivolous or vexatious,
(iii) the appeal is made only 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 grounds commenced before the Tribunal proceedings that constitute an abuse of process;	(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal 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 charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> ; or	(d) the appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> ; or
(e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	(e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.
<b>Same</b>	<b>Same</b>
(53.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (52), the Tribunal 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 Tribunal'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 Tribunal 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 Tribunal'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.
<b>Representation</b>	<b>Representation</b>
(54) Before dismissing 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 clause (53) (e).	(54) Before dismissing 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 clause (53) (e).
<b>Dismissal</b>	<b>Dismissal</b>
(54.1) 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 (53) or (53.1), as it considers appropriate.	(54.1) 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 (53) or (53.1), as it considers appropriate.



## Bill 108 Amendments to the *Planning Act*

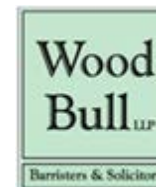
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Decision</b>	<b>Decision</b>
(55) If all appeals under subsection (39), (43) or (48) are dismissed or withdrawn, the 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 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 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 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).
<b>Powers</b>	<b>Powers</b>
(56) On an appeal under subsection (34) or (39), the 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.	(56) On an appeal under subsection (34) or (39), the 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.
<b>Final approval</b>	<b>Final approval</b>
(56.1) If, on an appeal under subsection (34) or (39), the Tribunal has given approval to a draft plan of subdivision, the 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.	(56.1) If, on an appeal under subsection (34) or (39), the Tribunal has given approval to a draft plan of subdivision, the 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.
<b>Change of conditions</b>	<b>Change of conditions</b>
(56.2) If the final approval of a plan of subdivision is to be given under subsection (56.1), the 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.	(56.2) If the final approval of a plan of subdivision is to be given under subsection (56.1), the 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.
<b>When draft plan approved</b>	<b>When draft plan approved</b>
(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.
<b>Final approval of plan</b>	<b>Final approval of plan</b>
(58) Upon presentation by the person seeking to subdivide, the approval authority may, if satisfied that the plan is in conformity with the approved	(58) Upon presentation by the person seeking to subdivide, the approval authority may, if satisfied that the plan is in conformity with the approved

## Bill 108 Amendments to the *Planning Act*

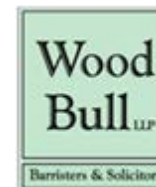
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and, once approved, the final plan of subdivision may be tendered for registration.	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.
<b>Withdrawal of approval</b>	<b>Withdrawal of approval</b>
(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.
<b>Duplicates</b>	<b>Duplicates</b>
(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 or duplicates to the approval authority.	(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 or duplicates to the approval authority.
<b>Saving</b>	<b>Saving</b>
(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.
<b>Parkland</b>	<b>Parkland</b>
<b>Definitions</b>	<b>Definitions</b>
<b>51.1</b> (0.1) In this section,	<b>51.1</b> (0.1) In this section,
“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)	“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)
“effective date” means the day subsection 32 (1) of the Smart Growth for Our Communities Act, 2015 comes into force. (“date d’effet”)	“effective date” means the day <del>subsection 32 (1) of the Smart Growth for Our Communities Act, 2015</del> <a href="#">section 9 of Schedule 12 to the More Homes, More Choice Act, 2019</a> comes into force. (“date d’effet”)
<b>Land conveyed or dedicated for parkland</b>	<b>Land conveyed or dedicated for parkland</b>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes.	(1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes.
<b>Other criteria</b>	<b>Other criteria</b>
(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.	<del>(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.</del>
<b>Parks plan</b>	<b>Parks plan</b>
(2.1) Before adopting the official plan policies described in subsection (2), the municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality.	<del>(2.1) Before adopting the official plan policies described in subsection (2), the municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality.</del>
<b>Same</b>	<b>Same</b>
(2.2) In preparing the parks plan, the municipality,	<del>(2.2) In preparing the parks plan, the municipality,</del>
(a) shall consult with every school board that has jurisdiction in the municipality; and	<del>(a) shall consult with every school board that has jurisdiction in the municipality; and</del>
(b) may consult with any other persons or public bodies that the municipality considers appropriate.	<del>(b) may consult with any other persons or public bodies that the municipality considers appropriate.</del>
<b>Same</b>	<b>Same</b>
(2.3) For greater certainty, subsection (2.1) and clause (2.2) (a) do not apply with respect to official plan policies adopted before the effective date.	<del>(2.3) For greater certainty, subsection (2.1) and clause (2.2) (a) do not apply</del>

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Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<del>with respect to official plan policies adopted before the effective date.</del>
<b>Payment in lieu</b>	<b>Payment in lieu</b>
(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed.	(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality <del>and subsection (2) does not apply</del> , the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed.
<b>Same</b>	<del>Same</del>
(3.1) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies, the municipality may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be determined by the municipality.	<del>(3.1) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies, the municipality may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be determined by the municipality.</del>
<b>Transition</b>	<del>Transition</del>
(3.2) If the draft plan of subdivision is approved on or before the effective date, the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies,	<del>(3.2) If the draft plan of subdivision is approved on or before the effective date, the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies,</del>
(a) subsection (3.1) does not apply; and	<del>(a) subsection (3.1) does not apply; and</del>
(b) subsection (3), as it reads on the day before the effective date, continues to apply.	<del>(b) subsection (3), as it reads on the day before the effective date, continues to apply.</del>
<b>Determination of value</b>	<b>Determination of value</b>
(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.	(4) For the purpose of determining the amount of any payment required under subsection (3) <del>or (3.1)</del> , the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.
<b>Application</b>	<b>Application</b>
(5) Subsections 42 (5) and (12) to (20) apply with necessary modifications to a conveyance of land or a payment of money under this section.	(5) Subsections 42 (5) and (12) to <del>(20)</del> <u>(17)</u> apply with necessary modifications to a conveyance of land or a payment of money under this section.

## Bill 108 Amendments to the *Planning Act*

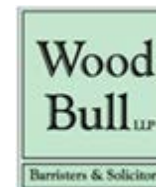
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<u>Non-application of by-law under s. 37</u>
	<u>(6) The development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under section 37, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection (1) on or after the effective date.</u>
	<u>Transition</u>
	<u>(7) If the draft plan of subdivision is approved before the effective date and the approval authority has imposed a condition under subsection (1), the following rules apply with respect to the land within the draft plan of subdivision:</u>
	<u>1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, continues to apply with respect to the land.</u>
	<u>2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, applies with respect to the land.</u>
	<u>3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land.</u>
	<u>4. Subsection 37 (5), as it read on the day before the effective date, applies with respect to the land, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).</u>
	<u>5. Despite subsections 2 (4) and 9 (1) of the <i>Development Charges Act, 1997</i>, the development or redevelopment of the land is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the land on the day before the applicable date described in subsection 37.1 (5) of this Act, regardless of whether the development charge by-law has expired or been repealed.</u>
	<u>6. For the purposes of paragraph 5, the following rules apply:</u>
	<u>i. the reference to a development charge by-law is a reference to the by-</u>

## Bill 108 Amendments to the *Planning Act*

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
	<a href="#">law, as it read on the day before the applicable date described in subsection 37.1 (5).</a>
	<a href="#">ii. despite section 34 of the <i>Development Charges Act, 1997</i>, if paragraph 5 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.</a>
	<a href="#">7. The development or redevelopment of the land is not subject to a community benefits charge by-law under section 37.</a>
<b>Consents</b>	<b>Consents</b>
53 (1) An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.	53 (1) An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
<b>Prescribed information</b>	<b>Prescribed information</b>
(2) The applicant for a consent shall provide the council or the Minister with the prescribed information or material.	(2) The applicant for a consent shall provide the council or the Minister with the prescribed information or material.
<b>Other information</b>	<b>Other information</b>
(3) A council or the Minister may require that a person or public body that makes an application for a consent provide any other information or material that the council or the Minister considers it or he or she may need, but only if the official plan contains provisions relating to requirements under this subsection.	(3) A council or the Minister may require that a person or public body that makes an application for a consent provide any other information or material that the council or the Minister considers it or he or she may need, but only if the official plan contains provisions relating to requirements under this subsection.
<b>Refusal and timing</b>	<b>Refusal and timing</b>
(4) Until the council or the Minister has received the information and material required under subsections (2) and (3), if any, and any fee under section 69 or 69.1,	(4) Until the council or the Minister has received the information and material required under subsections (2) and (3), if any, and any fee under section 69 or 69.1,
(a) the council or the Minister may refuse to accept or further consider the application for a consent; and	(a) the council or the Minister may refuse to accept or further consider the application for a consent; and

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(b) the time period referred to in subsection (14) does not begin.	(b) the time period referred to in subsection (14) does not begin.
<b>Motion re dispute</b>	<b>Motion re dispute</b>
(4.1) The applicant, the council or the Minister may make a motion for directions to have the Tribunal determine,	(4.1) The applicant, the council or the Minister may make a motion for directions to have the Tribunal determine,
(a) whether the information and material required under subsections (2) and (3), if any, have in fact been provided; or	(a) whether the information and material required under subsections (2) and (3), if any, have in fact been provided; or
(b) whether a requirement made under subsection (3) is reasonable.	(b) whether a requirement made under subsection (3) is reasonable.
<b>Final determination</b>	<b>Final determination</b>
(4.2) The Tribunal's determination under subsection (4.1) is not subject to appeal or review.	(4.2) The Tribunal's determination under subsection (4.1) is not subject to appeal or review.
<b>Alternative measures</b>	<b>Alternative measures</b>
(4.3) In the case of an application for consent that is made to a council, if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of applications for consent and if the measures are complied with,	(4.3) In the case of an application for consent that is made to a council, if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of applications for consent and if the measures are complied with,
(a) subsection (5) does not apply; and	(a) subsection (5) does not apply; and
(b) subsections (6) and (7) do not apply with respect to notice of the application.	(b) subsections (6) and (7) do not apply with respect to notice of the application.
<b>Same</b>	<b>Same</b>
(4.4) Subsection (4.3) also applies in the case of a council or planning board to which the Minister has delegated authority under section 4.	(4.4) Subsection (4.3) also applies in the case of a council or planning board to which the Minister has delegated authority under section 4.
<b>Same</b>	<b>Same</b>
(4.5) In the course of preparing the official plan, before including alternative measures described in subsection (4.3), the council shall consider whether it would be desirable for the measures to allow for notice of the application for consent to the prescribed persons and public bodies mentioned in clause (5) (a).	(4.5) In the course of preparing the official plan, before including alternative measures described in subsection (4.3), the council shall consider whether it would be desirable for the measures to allow for notice of the application for consent to the prescribed persons and public bodies mentioned in clause (5) (a).



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Notice</b>	<b>Notice</b>
(5) At least 14 days before a decision is made by the council or the Minister, the council or the Minister shall ensure that,	(5) At least 14 days before a decision is made by the council or the Minister, the council or the Minister 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.
<b>Request by council</b>	<b>Request by council</b>
(6) A council may request that a local municipality having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both.	(6) A council may request that a local municipality having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both.
<b>Request by Minister</b>	<b>Request by Minister</b>
(7) The Minister may request that a local municipality or planning board having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both.	(7) The Minister may request that a local municipality or planning board having jurisdiction over the land that is the subject of the application for consent give notice of the application or hold the public meeting referred to in subsection (5) or do both.
<b>Responsibilities</b>	<b>Responsibilities</b>
(7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that,	(7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that,
(a) the notice is given in accordance with the regulation made under clause (5) (a); and	(a) the notice is given in accordance with <del>the regulation made under</del> clause (5) (a); and
(b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given.	(b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given.
<b>Same</b>	<b>Same</b>
(7.2) A local municipality or planning board that is requested under subsection	(7.2) A local municipality or planning board that is requested under



## Bill 108 Amendments to the *Planning Act*

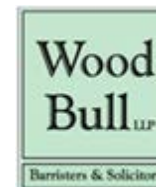
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(6) or (7) to hold a public meeting shall ensure that,	subsection (6) or (7) to hold a public meeting shall ensure that,
(a) notice of the meeting is given in accordance with the regulation made under clause (5) (b);	(a) notice of the meeting is given in accordance with <del>the regulation made under</del> clause (5) (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 council or the Minister, as the case may be, within 15 days after the meeting is held.	(c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held.
<b>Written submissions</b>	<b>Written submissions</b>
(8) Any person or public body may make written submissions to the council or the Minister before the council or the Minister gives or refuses to give a provisional consent.	(8) Any person or public body may make written submissions to the council or the Minister before the council or the Minister gives or refuses to give a provisional consent.
<b>Procedure</b>	<b>Procedure</b>
(9) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed.	(9) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed.
<b>Council to confer</b>	<b>Council to confer</b>
(10) A council, in determining whether a provisional consent is to be given, shall confer with the persons or public bodies prescribed.	(10) A council, in determining whether a provisional consent is to be given, shall confer with the persons or public bodies prescribed.
<b>Minister may confer</b>	<b>Minister may confer</b>
(11) The Minister in determining whether a provisional consent is to be given may confer with the persons or public bodies that the Minister considers may have an interest in the application.	(11) The Minister in determining whether a provisional consent is to be given may confer with the persons or public bodies that the Minister considers may have an interest in the application.
<b>Powers</b>	<b>Powers</b>
(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.	(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

## Bill 108 Amendments to the *Planning Act*

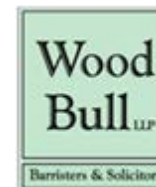
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Parks</b>	<b>Parks</b>
(13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given.	(13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given.
<b>Appeal to L.P.A.T.</b>	<b>Appeal to L.P.A.T.</b>
(14) If an application is made for a consent and the council or the Minister fails to make a decision under subsection (1) on the application within 90 days after the day the application is received by the clerk of the municipality or the Minister, the applicant may appeal to the Tribunal with respect to the consent application by filing a notice with the clerk of the municipality or the Minister, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.	(14) If an application is made for a consent and the council or the Minister fails to make a decision under subsection (1) on the application within 90 days after the day the application is received by the clerk of the municipality or the Minister, the applicant may appeal to the Tribunal with respect to the consent application by filing a notice with the clerk of the municipality or the Minister, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
<b>Consolidated Hearings Act</b>	<b>Consolidated Hearings Act</b>
(14.1) 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 an application requested under subsection (1) unless the council or the Minister has given or refused to give a provisional consent or the time period referred to in subsection (14) has expired.	(14.1) 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 an application requested under subsection (1) unless the council or the Minister has given or refused to give a provisional consent or the time period referred to in subsection (14) has expired.
<b>Record</b>	<b>Record</b>
(15) If the clerk of the municipality or the Minister receives a notice of appeal under subsection (14), the clerk of the municipality or the Minister shall ensure that,	(15) If the clerk of the municipality or the Minister receives a notice of appeal under subsection (14), the clerk of the municipality or the Minister 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 Tribunal within 15 days after the notice is filed.	(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed.
<b>Appeal withdrawn</b>	<b>Appeal withdrawn</b>

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(16) If an appeal under subsection (14) is withdrawn, the Tribunal shall notify the council or Minister and the council or the Minister may proceed to make a decision under subsection (1).	(16) If an appeal under subsection (14) is withdrawn, the Tribunal shall notify the council or Minister and the council or the Minister may proceed to make a decision under subsection (1).
<b>Exception</b>	<b>Exception</b>
(16.1) Despite clause (15) (b), if all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the clerk of the municipality or the Minister is not required to forward the materials described under clause (15) (b) to the Tribunal.	(16.1) Despite clause (15) (b), if all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the clerk of the municipality or the Minister is not required to forward the materials described under clause (15) (b) to the Tribunal.
<b>Where all appeals withdrawn</b>	<b>Where all appeals withdrawn</b>
(16.2) If all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the council or the Minister may proceed to make a decision under subsection (1).	(16.2) If all appeals under subsection (14) are withdrawn within 15 days after the first notice of appeal is filed, the council or the Minister may proceed to make a decision under subsection (1).
<b>Notice of decision</b>	<b>Notice of decision</b>
(17) If the council or the Minister gives or refuses to give a provisional consent, the council or the Minister shall ensure that written notice of it is given in the prescribed manner within 15 days to,	(17) If the council or the Minister gives or refuses to give a provisional consent, the council or the Minister shall ensure that written notice of it is given in the prescribed manner within 15 days to,
(a) the applicant;	(a) the applicant;
(b) each person or public body that made a written request to be notified of the decision or conditions;	(b) each person or public body that made a written request to be notified of the decision or conditions;
(c) the Minister, with respect to a decision by a council to give a provisional consent, if the Minister has notified the council that he or she wishes to receive a copy of all decisions made to give a provisional consent; and	(c) the Minister, with respect to a decision by a council to give a provisional consent, if the Minister has notified the council that he or she wishes to receive a copy of all decisions made to give a provisional consent; and
(d) any other person or public body that is prescribed.	(d) any other person or public body that is prescribed.
<b>Contents</b>	<b>Contents</b>
(18) The notice under subsection (17) shall contain,	(18) The notice under subsection (17) shall contain,
(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.1) had on the decision; and	(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.1) had on the decision; and

## Bill 108 Amendments to the *Planning Act*

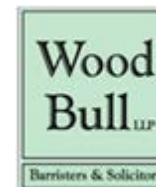
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Written and oral submissions</b>	<b>Written and oral submissions</b>
(18.1) Clause (18) (a) applies to,	(18.1) Clause (18) (a) applies to,
(a) any written submissions relating to the provisional consent that were made to the council before its decision; and	(a) any written submissions relating to the provisional consent that were made to the council before its decision; and
(b) any oral submissions relating to the provisional consent that were made at a public meeting.	(b) any oral submissions relating to the provisional consent that were made at a public meeting.
<b>Exception</b>	<b>Exception</b>
(18.2) If the notice under subsection (17) 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 (18) (a) is not required.	(18.2) If the notice under subsection (17) 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 (18) (a) is not required.
<b>Appeal</b>	<b>Appeal</b>
(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.	(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
<b>Notice completed</b>	<b>Notice completed</b>
(20) For the purpose of subsections (19) and (27), the giving of written notice shall be deemed to be completed,	(20) For the purpose of subsections (19) and (27), 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

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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(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.
<b>No appeal</b>	<b>No appeal</b>
(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final.	(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final.
<b>Declaration</b>	<b>Declaration</b>
(22) A sworn declaration by an employee of the municipality or the Ministry of Municipal Affairs and Housing that notice was given under subsection (17) or (24) or that no notice of appeal was filed under subsection (19) or (27) within the time allowed for appeal is conclusive evidence of the facts stated in it	(22) A sworn declaration by an employee of the municipality or the Ministry of Municipal Affairs and Housing that notice was given under subsection (17) or (24) or that no notice of appeal was filed under subsection (19) or (27) within the time allowed for appeal is conclusive evidence of the facts stated in it
<b>Change of conditions</b>	<b>Change of conditions</b>
(23) The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given.	(23) The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given.
<b>Notice</b>	<b>Notice</b>
(24) If the council or the Minister changes conditions of a provisional consent under subsection (23) after notice has been given under subsection (17), the council or the Minister shall, within 15 days of the decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,	(24) If the council or the Minister changes conditions of a provisional consent under subsection (23) after notice has been given under subsection (17), the council or the Minister shall, within 15 days of the decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,
(a) the applicant;	(a) the applicant;
(b) each person or public body that made a written request to be notified of changes to the conditions;	(b) each person or public body that made a written request to be notified of changes to the conditions;
(c) the Minister, with respect to a change of conditions by council, if the Minister has notified the council that he or she wishes to receive a copy of the changes of conditions; and	(c) the Minister, with respect to a change of conditions by council, if the Minister has notified the council that he or she wishes to receive a copy of the changes of conditions; and
(d) any other person or public body prescribed.	(d) any other person or public body prescribed.

## Bill 108 Amendments to the *Planning Act*

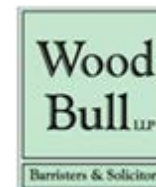
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(25) Repealed: 1996, c. 4, s. 29 (9).	(25) Repealed: 1996, c. 4, s. 29 (9).
<b>No notice required</b>	<b>No notice required</b>
(26) The council or the Minister, as the case may be, is not required to give written notice under subsection (24) if, in the council's or the Minister's opinion, the change to conditions is minor.	(26) The council or the Minister, as the case may be, is not required to give written notice under subsection (24) if, in the council's or the Minister's opinion, the change to conditions is minor.
<b>Appeal</b>	<b>Appeal</b>
(27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.	(27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.
<b>Use of dispute resolution techniques</b>	<b>Use of dispute resolution techniques</b>
(27.1) When a notice of appeal is filed under subsection (19) or (27), the council or the Minister may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.	(27.1) When a notice of appeal is filed under subsection (19) or (27), the council or the Minister may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.
<b>Notice and invitation</b>	<b>Notice and invitation</b>
(27.2) If the council or the Minister decides to act under subsection (27.1),	(27.2) If the council or the Minister decides to act under subsection (27.1),
(a) the council or Minister shall give a notice of its intention to use dispute resolution techniques to all the appellants; and	(a) the council or Minister shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
(b) the council or Minister shall give an invitation to participate in the dispute resolution process to,	(b) the council or Minister shall give an invitation to participate in the dispute resolution process to,

## Bill 108 Amendments to the *Planning Act*

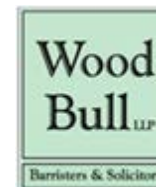
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<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(i) as many of the appellants as the council or Minister considers appropriate,	(i) as many of the appellants as the council or Minister considers appropriate,
(ii) the applicant, if 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 or Minister considers appropriate.	(iii) any other persons or public bodies that the council or Minister considers appropriate.
<b>Extension of time</b>	<b>Extension of time</b>
(27.3) When the council or Minister gives a notice under clause (27.2) (a), the 15-day period mentioned in clause (28) (b) and in subsections (29.1) and (29.2) is extended to 75 days.	(27.3) When the council or Minister gives a notice under clause (27.2) (a), the 15-day period mentioned in clause (28) (b) and in subsections (29.1) and (29.2) is extended to 75 days.
<b>Participation voluntary</b>	<b>Participation voluntary</b>
(27.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (27.2) (b) is voluntary.	(27.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (27.2) (b) is voluntary.
<b>Record</b>	<b>Record</b>
(28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that,	(28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that,
(a) a record is compiled which includes the information and material prescribed; and	(a) a record is compiled which includes the information and material prescribed; and
(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (19) or (27).	(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (19) or (27).
<b>Appeals withdrawn</b>	<b>Appeals withdrawn</b>
(29) If all appeals under subsection (19) or (27) are withdrawn and the time for appealing has expired, the Tribunal shall notify the council or the Minister, as the case may be, and subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final.	(29) If all appeals under subsection (19) or (27) are withdrawn and the time for appealing has expired, the Tribunal shall notify the council or the Minister, as the case may be, and subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Exception</b>	<b>Exception</b>
(29.1) Despite clause (28) (b), if all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the clerk of the municipality or the Minister is not required to forward the materials described under clause (28) (b) to the Tribunal.	(29.1) Despite clause (28) (b), if all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the clerk of the municipality or the Minister is not required to forward the materials described under clause (28) (b) to the Tribunal.
<b>Decision final</b>	<b>Decision final</b>
(29.2) If all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council or the Minister, subject to subsection (23), to give or refuse to give a provisional consent is final. 1999, c. 12, Sched.	(29.2) If all appeals under subsection (19) or (27) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council or the Minister, subject to subsection (23), to give or refuse to give a provisional consent is final. 1999, c. 12, Sched.
<b>Hearing</b>	<b>Hearing</b>
(30) On an appeal, the Tribunal shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Tribunal may determine.	(30) On an appeal, the Tribunal shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Tribunal may determine.
<b>Dismissal without hearing</b>	<b>Dismissal without hearing</b>
(31) Despite the <i>Statutory Powers Procedure Act</i> and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if,	(31) Despite the <i>Statutory Powers Procedure Act</i> and subsection (30), the Tribunal may, <u>on its own initiative or on the motion of any party</u> dismiss an appeal without holding a hearing, <del>on its own initiative or on the motion of any party,</del> if,
(a) it is of the opinion that,	(a) it is of the opinion that,



## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could 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 Tribunal could give or refuse to give the provisional consent or could 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 grounds commenced before the Tribunal proceedings that constitute an abuse of process;	(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
(b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission;	(b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission;
(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 charged under the Local Planning Appeal Tribunal Act, 2017; or	(d) the appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or
(e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.	(e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.
<b>Representation</b>	<b>Representation</b>
(32) Before dismissing 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 clause (31) (e).	(32) Before dismissing 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 clause (31) (e).
<b>Dismissal</b>	<b>Dismissal</b>
(32.1) The Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate.	(32.1) The Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate.

## Bill 108 Amendments to the *Planning Act*

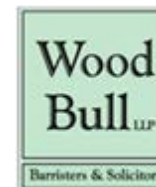
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Decision final</b>	<b>Decision final</b>
(33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Tribunal shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final.	(33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Tribunal shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final.
<b>Powers</b>	<b>Powers</b>
(34) On an appeal under subsection (14) or (19), the Tribunal may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Tribunal shall determine the question as to the condition or conditions appealed to it.	(34) On an appeal under subsection (14) or (19), the Tribunal may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Tribunal shall determine the question as to the condition or conditions appealed to it.
<b>Amended application</b>	<b>Amended application</b>
(35) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, at any time before issuing its order, written notice is given to the persons and public bodies prescribed under subsection (10) and to any person or public body conferred with under subsection (11) on the original application.	(35) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, at any time before issuing its order, written notice is given to the persons and public bodies prescribed under subsection (10) and to any person or public body conferred with under subsection (11) on the original application.
<b>No written notice</b>	<b>No written notice</b>
(35.1) The Tribunal is not required to give written notice under subsection (35) if, in the opinion of the Tribunal, the amendment to the original application is minor.	(35.1) The Tribunal is not required to give written notice under subsection (35) if, in the opinion of the Tribunal, the amendment to the original application is minor.
<b>Notice</b>	<b>Notice</b>
(36) Any person or public body that receives notice under subsection (35) may, not later than 30 days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be.	(36) Any person or public body that receives notice under subsection (35) may, not later than 30 days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
<b>Order</b>	<b>Order</b>
(37) If, after the expiry of the time period in subsection (36), no notice of intent has been received, the Tribunal may issue its order.	(37) If, after the expiry of the time period in subsection (36), no notice of intent has been received, the Tribunal may issue its order.

## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>Notice received</b>	<b>Notice received</b>
(38) If a notice of intent under subsection (36) is received, the Tribunal may hold a hearing or resume the hearing on the amended application or issue its order without holding a hearing or resuming the hearing.	(38) If a notice of intent under subsection (36) is received, the Tribunal may hold a hearing or resume the hearing on the amended application or issue its order without holding a hearing or resuming the hearing.
<b>Consent</b>	<b>Consent</b>
(39) If the decision of the Tribunal under subsection (34) is that a provisional consent be given, the council or the Minister shall give the consent, but if conditions have been imposed, the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.	(39) If the decision of the Tribunal under subsection (34) is that a provisional consent be given, the council or the Minister shall give the consent, but if conditions have been imposed, the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.
<b>Same</b>	<b>Same</b>
(40) If the decision of the council or the Minister on an application is that provisional consent be given and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given, but if conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.	(40) If the decision of the council or the Minister on an application is that provisional consent be given and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given, but if conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.
<b>Conditions not fulfilled</b>	<b>Conditions not fulfilled</b>
(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).	(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).
<b>Certificate</b>	<b>Certificate</b>
(42) When a consent has been given under this section, the clerk of the municipality or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other	(42) When a consent has been given under this section, the clerk of the municipality or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any

## Bill 108 Amendments to the *Planning Act*

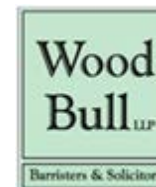
Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent.	other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent.
<b>Lapse of consent</b>	<b>Lapse of consent</b>
(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent.	(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent.
<b>Where delegation</b>	<b>Where delegation</b>
(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment.	(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment.

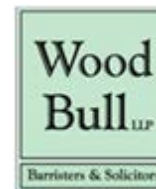
## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



<i>Planning Act</i>	<i>Planning Act with Bill 108 Amendments</i>
<b>PART VII GENERAL</b>	<b>PART VII GENERAL</b>
<b>General regulations, Minister</b>	<b>General regulations, Minister</b>
<b>70.1</b> (1) The Minister may make regulations,	<b>70.1</b> (1) The Minister may make regulations,
1. prescribing forms for the purposes of this Act and providing for their use;	1. prescribing forms for the purposes of this Act and providing for their use;
2. prescribing information and material that are to be provided under this Act and the manner in which they are to be provided;	2. prescribing information and material that are to be provided under this Act and the manner in which they are to be provided;
3. prescribing the manner in which any notice is to be given under this Act, including the persons or public bodies to whom it shall be given, the person or public bodies who shall give the notice and the contents of the notice;	3. prescribing the manner in which any notice is to be given under this Act, including the persons or public bodies to whom it shall be given, the person or public bodies who shall give the notice and the contents of the notice;
4. prescribing the timing requirements for any notice given under any provision of this Act;	4. prescribing the timing requirements for any notice given under any provision of this Act;
5. prescribing information and material that must be included in any record;	5. prescribing information and material that must be included in any record;
6. prescribing plans or policies and provisions of those plans or policies for the purposes of clause (f) of the definition of “provincial plan” in subsection 1 (1);	6. prescribing plans or policies and provisions of those plans or policies for the purposes of clause (f) of the definition of “provincial plan” in subsection 1 (1);
7. prescribing any ministry of the Province of Ontario to be a public body under subsection 1 (3);	7. prescribing any ministry of the Province of Ontario to be a public body under subsection 1 (3);
8. excluding any board, commission, agency or official from the definition of “public body” under subsection 1 (4);	8. excluding any board, commission, agency or official from the definition of “public body” under subsection 1 (4);
9. prescribing conditions for the purpose of subsection 8.1 (1);	9. prescribing conditions for the purpose of subsection 8.1 (1);
10. prescribing a term for the purpose of clause 8.1 (3) (a) and qualifications for the purpose of clause 8.1 (3) (b);	10. prescribing a term for the purpose of clause 8.1 (3) (a) and qualifications for the purpose of clause 8.1 (3) (b);
11. prescribing eligibility criteria for the purpose of subsection 8.1 (4);	11. prescribing eligibility criteria for the purpose of subsection 8.1 (4);
12. prescribing classes for the purpose of clause 8.1 (5) (c);	12. prescribing classes for the purpose of clause 8.1 (5) (c);
13. prescribing requirements for the purpose of subsection 8.1 (8);	13. prescribing requirements for the purpose of subsection 8.1 (8);
14. prescribing the methods for determining the number of members from	14. prescribing the methods for determining the number of members from

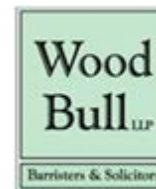
## Bill 108 Amendments to the *Planning Act*



Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

each municipality to be appointed to a municipal planning authority under subsection 14.1 (5);	each municipality to be appointed to a municipal planning authority under subsection 14.1 (5);
15. prescribing matters for the purpose of clause 16 (1) (c) and for the purpose of clause 16 (2) (c);	15. prescribing matters for the purpose of clause 16 (1) (c) and for the purpose of clause 16 (2) (c);
15.1 prescribing municipalities for the purpose of subsection 16 (4);	15.1 prescribing municipalities for the purpose of subsection 16 (4);
15.2 in the case of municipalities prescribed for the purpose of subsection 16 (4),	15.2 in the case of municipalities prescribed for the purpose of subsection 16 (4),
i. governing the time within which each municipality must submit an official plan containing policies that authorize inclusionary zoning for approval by the approval authority, and	i. governing the time within which each municipality must submit an official plan containing policies that authorize inclusionary zoning for approval by the approval authority, and
ii. governing the time within which each municipality must pass one or more by-laws under section 34 to give effect to those policies;	ii. governing the time within which each municipality must pass one or more by-laws under section 34 to give effect to those policies;
15.3 prescribing provisions and matters relating to the policies described in subsection 16 (4), for the purpose of subsection 16 (7);	15.3 prescribing provisions and matters relating to the policies described in subsection 16 (4), for the purpose of subsection 16 (7);
15.4 specifying that a by-law passed under section 34 to give effect to policies described in subsection 16 (4) does not apply to development or classes of development specified in the regulation and specifying the circumstances in which the by-law does not apply;	15.4 specifying that a by-law passed under section 34 to give effect to policies described in subsection 16 (4) does not apply to development or classes of development specified in the regulation and specifying the circumstances in which the by-law does not apply;
16. prescribing the processes to be followed and the materials to be developed under section 16.1;	16. prescribing the processes to be followed and the materials to be developed under section 16.1;
17. prescribing municipalities for the purposes of subsection 17 (13) and section 69.2;	17. prescribing municipalities for the purposes of subsection 17 (13) and section 69.2;
18. prescribing information and material for the purposes of clauses 17 (15) (a) and (b), public bodies for the purposes of clause 17 (15) (b) and the manner of making information and material available for the purposes of clause 17 (15) (c);	18. prescribing information and material for the purposes of clauses 17 (15) (a) and (b), public bodies for the purposes of clause 17 (15) (b) and the manner of making information and material available for the purposes of clause 17 (15) (c);
19. prescribing, for the purposes of clauses 17 (17) (a) and (b), clause 22 (6.4) (a), clause 34 (10.7) (a), clauses 34 (13) (a) and (b) and clause 51 (19.4) (a),	19. prescribing, for the purposes of clauses 17 (17) (a) and (b), clause 22 (6.4) (a), clause 34 (10.7) (a), clauses 34 (13) (a) and (b) and clause 51 (19.4) (a),
i. persons and public bodies,	i. persons and public bodies,
ii. the manner of giving notice, and	ii. the manner of giving notice, and

## Bill 108 Amendments to the *Planning Act*

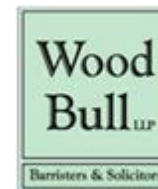


Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

iii. information;	iii. information;
20. prescribing time periods for the purpose of subsections 17 (44.4), 34 (24.4) and 51 (52.4);	20. prescribing time periods for the purpose of subsections 17 (44.4), 34 (24.4) and 51 (52.4);
21. prescribing public bodies for the purpose of clause 26 (3) (a);	21. prescribing public bodies for the purpose of clause 26 (3) (a);
22. prescribing upper-tier municipalities for the purpose of subsection 28 (2);	22. prescribing upper-tier municipalities for the purpose of subsection 28 (2);
23. prescribing matters for the purpose of subsection 28 (4.0.1);	23. prescribing matters for the purpose of subsection 28 (4.0.1);
23.1 prescribing provisions and matters relating to loading or parking facilities, for the purpose of subsection 34 (5.1);	23.1 prescribing provisions and matters relating to loading or parking facilities, for the purpose of subsection 34 (5.1);
23.2 respecting minimum parking requirements, including setting out minimum parking requirements for specified lands, buildings or structures or providing that there is no minimum parking requirement for specified lands, buildings or structures;	23.2 respecting minimum parking requirements, including setting out minimum parking requirements for specified lands, buildings or structures or providing that there is no minimum parking requirement for specified lands, buildings or structures;
24. prescribing conditions for the purpose of subsection 34 (16) and limitations for the purpose of subsection 34 (16.1);	24. prescribing conditions for the purpose of subsection 34 (16) and limitations for the purpose of subsection 34 (16.1);
24.0.1 governing the provisions of an agreement described in clause 35.2 (2) (i);	24.0.1 governing the provisions of an agreement described in clause 35.2 (2) (i);
24.1 prescribing information for the purposes of clause 37 (8) (c);	24.1 <del>prescribing information for the purposes of clause 37 (8) (c);</del> <a href="#">prescribing types of development or redevelopment for the purposes of subsection 37 (4);</a>
	<a href="#">24.1.1 prescribing facilities, services or matters for the purposes of paragraph 2 of subsection 37 (5);</a>
	<a href="#">24.1.2 prescribing requirements for the purposes of clause 37 (9) (b);</a>
	<a href="#">24.1.3 prescribing the percentage referred to in subsection 37 (12) to be applied to the value of land;</a>
	<a href="#">24.1.4 prescribing time periods for the purposes of clause 37 (13) (b) and subsections 37 (15) and (19);</a>
24.2 prescribing information for the purposes of clause 42 (18) (c);	<del>24.2 prescribing information for the purposes of clause 42 (18) (c);</del>
25. prescribing rules of procedure for committees of adjustment;	25. prescribing rules of procedure for committees of adjustment;
26. prescribing criteria for the purposes of subsection 50 (18.1) and subsection 57 (6);	26. prescribing criteria for the purposes of subsection 50 (18.1) and subsection 57 (6);

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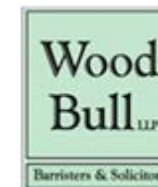


27. requiring that notice be given under subsections 51 (20) and 53 (5);	27. requiring that notice be given under subsections <del>s 51 (20) and</del> 53 (5);
28. prescribing rules of procedure under subsection 53 (9) for councils and their delegates;	28. prescribing rules of procedure under subsection 53 (9) for councils and their delegates;
29. prescribing persons or public bodies for the purposes of subsection 53 (10);	29. prescribing persons or public bodies for the purposes of subsection 53 (10);
30. prescribing rules of procedure for district land division committees constituted under section 55;	30. prescribing rules of procedure for district land division committees constituted under section 55;
30.1 for the different types of applications related to development or redevelopment that will include affordable housing units, prescribing a maximum fee that may be charged with respect to each type of application, for the purpose of subsection 69 (2.1);	30.1 for the different types of applications related to development or redevelopment that will include affordable housing units, prescribing a maximum fee that may be charged with respect to each type of application, for the purpose of subsection 69 (2.1);
31. respecting any other matter that this Act refers to as a matter prescribed, specified or determined under the regulations, or as a matter otherwise dealt with by the regulations, other than matters respecting which the Lieutenant Governor in Council has authority to make regulations under sections 70 and 70.2, subsection 70.2.2 (5) and section 70.3.	31. respecting any other matter that this Act refers to as a matter prescribed, specified or determined under the regulations, or as a matter otherwise dealt with by the regulations, other than matters respecting which the Lieutenant Governor in Council has authority to make regulations under sections 70 <del>and</del> 70.2, <del>subsection 70.2.2 (5) and section</del> <u>and</u> 70.3.
<b>Same</b>	<b>Same</b>
(2) A regulation made under this section or section 70 may be general or particular in its application.	(2) A regulation made under this section or section 70 may be general or particular in its application.
<b>Same</b>	<b>Same</b>
(3) A regulation made under paragraph 30.1 of subsection (1) may provide that a maximum fee for a particular type of application is nil.	(3) A regulation made under paragraph 30.1 of subsection (1) may provide that a maximum fee for a particular type of application is nil.
	<u><b>Same</b></u>
	<u>(3.1) A regulation made under paragraph 24.1.3 of subsection (1) may prescribe different percentages for different municipalities or classes of municipalities and for different values of land.</u>
<b>Conflict</b>	<b>Conflict</b>
(4) In the event of a conflict between a regulation made under paragraph 23.2 of subsection (1) and a by-law passed by a municipality under paragraph 6 of subsection 34 (1), or a predecessor thereof, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force	(4) In the event of a conflict between a regulation made under paragraph 23.2 of subsection (1) and a by-law passed by a municipality under paragraph 6 of subsection 34 (1), or a predecessor thereof, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force



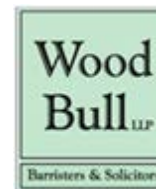
## Bill 108 Amendments to the *Planning Act*

Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.



and effect.	and effect.
<b>Regulations re development permit system</b>	<b>Regulations re development permit system</b>
70.2 (1) The Lieutenant Governor in Council may, by regulation,	70.2 (1) The Lieutenant Governor in Council may, by regulation,
(a) establish a development permit system that local municipalities may by by-law adopt to control land use development in the municipality; or	(a) establish a development permit system that local municipalities may by by-law adopt to control land use development in the municipality; or
(b) delegate to local municipalities the power to establish a development permit system upon such conditions as may be set out in the regulation.	(b) delegate to local municipalities the power to establish a development permit system upon such conditions as may be set out in the regulation.
<b>Contents</b>	<b>Contents</b>
(2) A regulation under subsection (1) may,	(2) A regulation under subsection (1) may,
(a) vary, supplement or override any provision in Part V or any municipal by-law passed under Part V as necessary to establish a development permit system;	(a) vary, supplement or override any provision in Part V <del>or any municipal by-law passed under Part V</del> as necessary to establish a development permit system <u>including, for greater certainty, providing that there is no appeal in respect of a by-law passed by a municipality to adopt or establish a development permit system;</u>
	<u>(a.1) vary, supplement or override any municipal by-law passed under Part V as necessary to establish a development permit system;</u>
(b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system;	(b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system;
(c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation;	(c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation;
(d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation;	(d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation;
(e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard;	(e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard;
(f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established;	(f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established;
(g) prescribe conditions or criteria that must be met before a municipality	(g) prescribe conditions or criteria that must be met before a municipality

## Bill 108 Amendments to the *Planning Act*



Bill 108, *More Homes, More Choice Act, 2019* was introduced in the Legislative Assembly for First Reading on 2 May 2019.

passes a by-law adopting or establishing a development permit system;	passes a by-law adopting or establishing a development permit system;
(h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit;	(h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit;
(i) prescribe powers that the municipality may exercise in administering a development permit system;	(i) prescribe powers that the municipality may exercise in administering a development permit system;
(j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass by-laws adopting or establishing a development permit system;	(j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass by-laws adopting or establishing a development permit system;
(k) establish different standards or procedures for different municipalities or classes of municipalities;	(k) establish different standards or procedures for different municipalities or classes of municipalities;
(l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties;	(l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties;
(m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit;	(m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit;
(n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area;	(n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area;
(o) prescribe provisions that must be contained in a development permit system;	(o) prescribe provisions that must be contained in a development permit system;
(p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law;	(p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law;
(q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system.	(q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system.
<b>Same, five-year period</b>	<b>Same, five-year period</b>
(2.1) A regulation under subsection (1) may,	(2.1) A regulation under subsection (1) may,
(a) provide that when a by-law adopting or establishing a development permit system is passed, no person or public body shall apply to amend the relevant official plan with respect to policies prescribed under clause (2) (f) before the	(a) provide that when a by-law adopting or establishing a development permit system is passed, no person or public body shall apply to amend the relevant official plan with respect to policies prescribed under clause (2) (f) before the

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fifth anniversary of the day the by-law is passed;	fifth anniversary of the day the by-law is passed;
(b) provide that no person or public body shall apply to amend a by-law adopting or establishing a development permit system before the fifth anniversary of the day the by-law is passed;	(b) provide that no person or public body shall apply to amend a by-law adopting or establishing a development permit system before the fifth anniversary of the day the by-law is passed;
(c) provide that a prohibition provided under clause (a) or (b) does not apply in respect of an application if the council has declared by resolution that such an application is permitted.	(c) provide that a prohibition provided under clause (a) or (b) does not apply in respect of an application if the council has declared by resolution that such an application is permitted.
<b>Same</b>	<b>Same</b>
(3) A regulation under this section may be general or particular in its application and may be restricted to those municipalities set out in the regulation.	(3) A regulation under this section may be general or particular in its application and may be restricted to those municipalities set out in the regulation.
<b>Conflicts</b>	<b>Conflicts</b>
(4) A regulation made under this section prevails over the provisions of any other Act that are specified in the regulation.	(4) A regulation made under this section prevails over the provisions of any other Act that are specified in the regulation.
<b>Registration of agreement</b>	<b>Registration of agreement</b>
(5) An agreement entered into under clause (2) (m) may be registered against the land to which it applies and the municipality may enforce its provisions against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.	(5) An agreement entered into under clause (2) (m) may be registered against the land to which it applies and the municipality may enforce its provisions against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.
<b>Deemed conformity with official plan</b>	<b>Deemed conformity with official plan</b>
(6) If a development permit by-law is passed under this section by the council of a municipality in which an official plan is in effect, subsection 24 (4) applies to the by-law in the same manner as if it were a by-law passed under section 34.	(6) If a development permit by-law is passed under this section by the council of a municipality in which an official plan is in effect, subsection 24 (4) applies to the by-law in the same manner as if it were a by-law passed under section 34.
<b>Conformity with upper tier plans</b>	<b>Conformity with upper tier plans</b>
(7) If an approval authority has approved an official plan adopted by an upper-tier municipality, every development permit by-law that is then in effect in the area affected by the plan shall be amended to conform with the plan and subsections 27 (2) to (4) apply, with necessary modifications, to the amendment.	(7) If an approval authority has approved an official plan adopted by an upper-tier municipality, every development permit by-law that is then in effect in the area affected by the plan shall be amended to conform with the plan and subsections 27 (2) to (4) apply, with necessary modifications, to the amendment.

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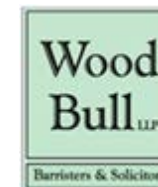
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Offence	Offence
(8) Every person who contravenes a development permit by-law passed under this section or the conditions of a development permit is guilty of an offence and on conviction is liable to the fines set out in section 67 and section 67 applies to the offence.	(8) Every person who contravenes a development permit by-law passed under this section or the conditions of a development permit is guilty of an offence and on conviction is liable to the fines set out in section 67 and section 67 applies to the offence.
Orders and by-laws re development permit system	Orders and by-laws re development permit system
Orders	Orders <u>re development permit system</u>
<b>70.2.2</b> (1) The Minister may, by order,	<b>70.2.2</b> (1) The Minister may, by order, <u>require a local municipality to adopt or establish a development permit system that applies to,</u>
(a) require a local municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5); or	<del>(a) require a local municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5); or</del>
(b) require an upper-tier municipality to act under subsection (3).	<del>(b) require an upper-tier municipality to act under subsection (3).</del>
	<u>(a) the area specified in the order, in the case of an order that delineates the area's boundaries; or</u>
	<u>(b) an area surrounding and including a specified location, in the case of an order that does not delineate the area's boundaries.</u>
Non-application of <i>Legislation Act, 2006</i> , Part III	Non-application of <i>Legislation Act, 2006</i> , Part III
(2) Part III (Regulations) of the <i>Legislation Act, 2006</i> does not apply to an order made under subsection (1).	(2) Part III (Regulations) of the <i>Legislation Act, 2006</i> does not apply to an order made under subsection (1).
By-laws	<del>By-laws</del>
(3) An upper-tier municipality may, by by-law, require a local municipality that is its lower-tier municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5)	<del>(3) An upper-tier municipality may, by by-law, require a local municipality that is its lower-tier municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5)</del>
Effect of order or by-law	<del>Effect of order or by-law</del>
(4) When an order made under subsection (1) or a by-law passed under subsection (3) is in effect, the local municipality,	<del>(4) When an order made under subsection (1) or a by-law passed under subsection (3) is in effect, the local municipality,</del>
(a) shall adopt or establish a development permit system; and	<del>(a) shall adopt or establish a development permit system; and</del>
(b) has discretion to determine what parts of its geographic area are to be governed by the development permit system.	<del>(b) has discretion to determine what parts of its geographic area are to be governed by the development permit system.</del>

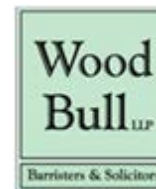
## Bill 108 Amendments to the *Planning Act*

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<b>Regulations</b>	<b>Regulations</b>
(5) The Lieutenant Governor in Council may, by regulation, specify purposes in respect of which orders and by-laws requiring the adoption or establishment of development permit systems may be made under subsections (1) and (3).	<del>(5) The Lieutenant Governor in Council may, by regulation, specify purposes in respect of which orders and by-laws requiring the adoption or establishment of development permit systems may be made under subsections (1) and (3).</del>
	<u>Effect of order under cl. (1) (a)</u>
	<u>(3) When an order made under clause (1) (a) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of the area referred to in clause (1) (a).</u>
	<u>Effect of order under cl. (1) (b)</u>
	<u>(4) When an order made under clause (1) (b) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of,</u>
	<u>(a) the specified location referred to in clause (1) (b); and</u>
	<u>(b) an area surrounding the specified location referred to in clause (1) (b).</u>
	<u>Determination of boundaries</u>
	<u>(5) For the purposes of clause (4) (b), the local municipality has discretion to determine the boundaries of the area that is to be governed by the development permit system.</u>
<b>Regulations re transitional matters, 2017 amendments</b>	<b>Regulations re transitional matters, 2017 amendments</b>
<b>70.8</b> (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date.	<b>70.8</b> (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date.
<b>Same</b>	<b>Same</b>
(2) A regulation made under this section may, without limitation,	(2) A regulation made under this section may, without limitation,
(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;	(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;

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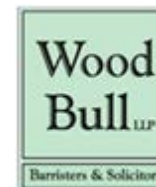


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(b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.	(b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.
<b>Same</b>	<b>Same</b>
(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,	(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,
(a) deem that the appeal was not made;	(a) deem that the appeal was not made;
(b) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;	(b) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;
(c) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal;	(c) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal;
(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;	(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;
(e) provide that specified provisions of the Act do not apply to matters and proceedings for a period of time specified in the regulations;	(e) provide that specified provisions of the Act do not apply to matters and proceedings for a period of time specified in the regulations;
(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;	(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;
(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.	(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.
<b>Conflict</b>	<b>Conflict</b>
(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.	(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.
<b>Definition</b>	<b>Definition</b>
(5) In this section,	(5) In this section,
“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	“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

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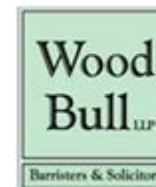
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into force.	into force.
<b>Conflict</b>	<b>Conflict</b>
(6) No cause of action arises as a direct or indirect result of, (a) the enactment of this section; (b) the making or revocation of any provision of a regulation made under this section; or (c) anything done or not done in accordance with this section or a regulation made under it.	(6) No cause of action arises as a direct or indirect result of, (a) the enactment of this section; (b) the making or revocation of any provision of a regulation made under this section; or (c) anything done or not done in accordance with this section or a regulation made under it.
<b>No remedy</b>	<b>No remedy</b>
(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).	(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).
<b>Proceedings barred</b>	<b>Proceedings barred</b>
(8) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (6) may be brought or maintained against any person	(8) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (6) may be brought or maintained against any person
<b>Same</b>	<b>Same</b>
(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.	(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.
<b>Proceedings set aside</b>	<b>Proceedings set aside</b>
(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.	(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.
<b>No expropriation or injurious affection</b>	<b>No expropriation or injurious affection</b>
(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	(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

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purposes of the <i>Expropriations Act</i> or otherwise at law.	purposes of the <i>Expropriations Act</i> or otherwise at law.
<b>Person defined</b>	<b>Person defined</b>
(12) In this section. “person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents.	(12) In this section. “person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents.
<a href="#">[NTD: s.70.9 is not included here - is that intentional because it hasn't been proclaimed by the Lieutenant Governor?</a>	<a href="#">Regulations re transitional matters, 2019 amendments</a>
	<a href="#">70.10 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.</a>
	<a href="#">Same</a>
	<a href="#">(2) A regulation made under this section may, without limitation,</a>
	<a href="#">(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 reads on and after the effective date;</a>
	<a href="#">(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.</a>
	<a href="#">Same</a>
	<a href="#">(3) If a regulation under this section provides for a matter or proceeding to be continued and disposed of under this Act, as it reads on and after the effective date, where the notice of appeal was filed under subsection 17 (24) or (36), 22 (7) or 34 (11) or (19) before the effective date, the regulation may also,</a>
	<a href="#">(a) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;</a>
	<a href="#">(b) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal in the notice required under clause (a);</a>



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	<a href="#">(c) deem an appeal to have been dismissed where the new notice of appeal was not received within the period of time specified by the Tribunal in the notice required under clause (a);</a>
	<a href="#">(d) 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.</a>
	<b><u>Conflict</u></b>
	<a href="#">(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.</a>
	<b><u>Definition</u></b>
	<a href="#">(5) In this section,</a>
	<a href="#">“effective date” means the day section 20 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force.</a>