

Spring clean-up: Ontario government proposes Planning Act changes to facilitate development approvals

APR 6, 2023 3 MIN READ

Related Expertise

- [Corporate and Commercial Disputes](#)
- [Government and Public Sector](#)
- [Infrastructure](#)
- [Municipal, Land Use Planning and Development](#)
- [Real Estate](#)

Authors: [Chris Barnett](#), [Evan Barz](#), [Andrew Rintoul](#)

On April 6, 2023, the Ontario government unveiled the latest of its policy and legislative proposals as part of its Housing Supply Action Plan. The proposals include the release for comment of a new Provincial Planning Statement (PPS), which will replace the PPS and the Growth Plan. Some changes are also proposed to the *Planning Act*, with the introduction of Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which proposes legislative amendments with the goal of achieving the construction of 1.5 million new homes by 2031.

While Bill 97 does not contain the sweeping changes brought in by Bill 23, the small and technical fixes to the *Planning Act* sought to be introduced through Bill 97 are important. A blackline of the *Planning Act* showing the changes in context [can be found here](#).

We are working on a blackline of the new PPS, along with a summary of the changes in it, and will post that as soon as it is ready.

In addition, the government also proclaimed in force a section that was part of Bill 23, effective April 6, 2023, which gives the Minister the power to amend municipal official plans if the Minister is of the view that a matter of provincial interest could be adversely affected. There is no process set out in the Act for notice or consultation prior to making such a decision. As such, this appears to be the official plan equivalent of a Minister's zoning order.

A summary of the changes proposed by Bill 97:

Subject	Proposal
---------	----------

New Ministerial powers	<p>The Minister will be given the power to:</p> <ul style="list-style-type: none"> • Require landowners and municipalities to enter into agreements where the Provincial Land Development Facilitator has been appointed. These agreements could include matters that go beyond what can be provided in either the <i>Planning Act</i> or <i>Development Charges Act</i>. The order has the same effect as an interim control by-law, only permitting existing uses to continue until agreements have been signed. • Exempt lands that are the subject of MZO from complying with provincial policies and official plans when other planning approvals are applied for, such as plans of subdivision. This gives the Minister the ability to address circumstances where an MZO permits residential uses in an area where the official plan does not. • Make regulations regarding transition related to the applicability of a new provincial policy statement. • Make regulations regarding the powers of municipalities to regulate demolition and conversion of residential rental properties, including to pass a by-law requiring a landowner to provide compensation. • Designate areas where site plan control might still apply to 10 units or less.
New effective date for Bill 109 planning fee refunds	<p>The effective date for planning application fee refunds where no decision is made within the statutory time periods that were originally in place for applications filed on or after January 1, 2023, is proposed to be changed to July 1, 2023. If any fee refunds were owing as a result of applications filed and not decided on between January 1 and July 1, 2023, the refund is deemed not to have been required.</p>
Parking for additional units	<p>Bill 23 put in place restrictions on the ability to require more than one parking space where additional residential units are permitted as of right. Bill 97 proposes to clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit.</p>
Employment area definition changes	<p>The definition of an employment area is proposed to be limited to areas where manufacturing, research and development related to manufacturing, warehousing and ancillary uses occur. This appears to relate to broader proposed policy changes regarding the protection of, and conversion from, employment uses.</p>

In addition to these changes, amendments are also proposed to the *Residential Tenancies Act*, which will strengthen protections against evictions due to renovations, demolitions and conversions, as well as those in respect of landlord's own use, and clarify tenants' rights to install air conditioners.