

Planning Act

R.S.O. 1990, CHAPTER P.13

Interpretation

1 (1) In this Act,

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses including, without limitation, the uses listed in subsection (5), or as otherwise prescribed by regulation; (“zone d’emploi”)

“area of settlement” means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation; (“zone de peuplement”)

“committee of adjustment” means a committee of adjustment constituted under section 44; (“comité de dérogation”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“higher order transit” means transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses; (“transport en commun d’un niveau supérieur”)

“land division committee” means a land division committee constituted under section 56; (“comité de morcellement des terres”)

“local appeal body” means an appeal body for certain local land use planning matters, constituted under section 8.1; (“organisme d’appel local”)

“local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 1 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 45)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“payment in lieu” means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; (“paiement tenant lieu de cession”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“provincial plan” means,

- (a) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005*,
- (b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*,
- (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*,
- (d) a development plan approved under the *Ontario Planning and Development Act, 1994*,
- (e) a growth plan approved under the *Places to Grow Act, 2005*,
- (e.1) a designated policy as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,
- (e.2) a designated policy as defined in section 3 of the *Great Lakes Protection Act, 2015*,
- (e.3) a designated Great Lakes policy or a significant threat policy, as those terms are defined in subsection 2 (1) of the *Clean Water Act, 2006*, or

This is an unofficial comparison prepared by Osler, Hoskin & Harcourt LLP showing the changes proposed by the first reading version of Bill 197, the *COVID-19 Economic Recovery Act, 2020*. The Bill has not been passed and these changes are not in effect as of July 8, 2020.

No hearing or notice required

(3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1). 2004, c. 18, s. 7 (2).

No order to be made

(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. 2017, c. 23, Sched. 5, s. 94.

Action of L.G. in C.

(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. 2017, c. 23, Sched. 5, s. 94.

Application of s. 34 (10.7, 10.9-25.1)

(4) Subsections 34 (10.7) and (10.9) to (25.1) 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. R.S.O. 1990, c. P.13, s. 36 (4); 1994, c. 23, s. 22 (2); 1996, c. 4, s. 22; 2009, c. 33, Sched. 21, s. 10 (6); 2017, c. 23, Sched. 3, s. 11 (2); 2019, c. 9, Sched. 12, s. 8 (2).

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 22 (1, 2) - 28/03/1995; 1996, c. 4, s. 22 - 22/05/1996

2004, c. 18, s. 7 (1, 2) - 30/11/2004

2009, c. 33, Sched. 21, s. 10 (6) - 15/12/2009

2017, c. 23, Sched. 3, s. 11 (1, 2) - 03/04/2018; 2017, c. 23, Sched. 5, s. 94 - 03/04/2018

2019, c. 9, Sched. 12, s. 8 (1, 2) - 03/09/2019

Community benefits charges Definitions

37 (1) In this section,

“specified date” means the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*; (“date précisée”)

“valuation date” means, with respect to land that is the subject of development or redevelopment,

(a) the day before the day the building permit is issued in respect of the development or redevelopment, or

(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 d’évaluation”)

Community benefits charge by-law

(2)The council of a local 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.

What charge can be imposed for

(3)A community benefits charge may be imposed only with respect to development or redevelopment that requires,

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;

(b) the approval of a minor variance under section 45;

(c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;

(d) the approval of a plan of subdivision under section 51;

(e) a consent under section 53;

(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Excluded development or redevelopment

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(4) A community benefits charge may not be imposed with respect to,

- (a) development of a proposed building or structure with fewer than five storeys at or above ground;
- (b) development of a proposed building or structure with fewer than 10 residential units;
- (c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- (d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- (e) such types of development or redevelopment as are prescribed.

Community benefits charge — relationship to development charge, etc.

(5) For greater certainty, nothing in this Act prevents a community benefits charge from being imposed with respect to land for park or other public recreational purposes or with respect to the services listed in subsection 2 (4) of the *Development Charges Act, 1997*, provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law or from the special account referred to in subsection 42 (15).

In-kind contributions

(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.

Notice of value of in-kind contributions

(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.

Deduction of value of in-kind contributions

(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.

Community benefits charge strategy

(9)Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

- (a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- (b) complies with any prescribed requirements.

Consultation

(10)In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Commencement of by-law

(11)A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later.

Limitation

(12)Only one community benefits charge by-law may be in effect in a local municipality at a time.

Notice of by-law and time for appeal

(13)The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(14)Notices required under subsection (13) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(15)Every notice required under subsection (13) must be given no later than 20 days after the day the by-law is passed.

When notice given

(16)A notice required under subsection (13) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(17)Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duties on appeal

(18)If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the community benefits charge strategy;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(19)The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(20)An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(21)The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality.

Notice of hearing

(22)The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(23)After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or
- (c) repeal or amend the by-law in such manner as the Tribunal may determine.

Limitation on powers

(24)The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of a community benefits charge that will be payable in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law;
- (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or
- (d) change the date, if any, the by-law will expire.

Dismissal without hearing

(25)Despite subsection (21), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered repeals, amendments effective

(26)The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. repeals by-law, etc.

(27)If the Tribunal repeals or amends a community benefits charge by-law, or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

- (a) in the case of a repeal, any community benefits charge paid under the by-law; or
- (b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended.

When refund due

(28)If a municipality is required to make a refund under subsection (27), it shall do so,

- (a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council.

Interest

(29)The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

Application of specified provisions to by-law amendments

(30)Subsections (9) to (11) and (13) to (29) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(31) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment.

Maximum amount of community benefits charge

(32) 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.

Payment under protest and appraisal provided by owner

(33) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (32), the owner shall,

(a) pay the charge under protest; and

(b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (33) (b)

(34) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (33) (b), the payment is deemed not to have been made under protest.

Appraisal provided by the municipality

(35) If the municipality disputes the value of the land identified in the appraisal referred to in clause (33) (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.

No appraisal under subs. (35)

(36) If the municipality does not provide an appraisal in accordance with subsection (35), 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 (32) based on the value of the land identified in the appraisal referred to in clause (33) (b).

Appraisal under subs. (35) within 5%

(37) If the municipality provides an appraisal in accordance with subsection (35) 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 (33) (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 (32) based on the value of the land identified in the appraisal referred to in clause (33) (b) or subsection (35), whichever identifies the higher value of the land.

Appraisal under subs. (35) not within 5%

(38) If the municipality provides an appraisal in accordance with subsection (35) 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 (33) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (42) prepare an appraisal of the value of the land as of the valuation date.

Time period for appraisal referred to in subs. (38)

(39) The municipality shall provide the owner with the appraisal referred to in subsection (38) within the prescribed time period.

Appraisal under subs. (38)

(40) If an appraisal is prepared in accordance with subsection (38), 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 (32) based on the value of the land identified in the appraisal referred to in subsection (38).

Non-application of subs. (36), (37) and (40)

(41) For greater certainty, a refund is not required under subsection (36), (37) or (40) if the maximum amount determined in accordance with subsection (32), 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.

List of appraisers

(42) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,

(a) are not employees of the municipality or members of its council; and

(b) have an agreement with the municipality to perform appraisals for the purposes of subsection (38).

Same

(43) A municipality shall maintain the list referred to in subsection (42) until the later of,

- (a) the day on which the community benefits charge by-law is repealed; and
- (b) the day on which there is no longer any refund that is or could be required to be made under subsection (40).

No building without payment

(44) No person shall construct a building on the land proposed for development or redevelopment unless,

- (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
- (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.

Special account

(45) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

Investments

(46) 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.

Requirement to spend or allocate monies in special account

(47) 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.

Reports and information

(48) 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.

Application of subs. (51)

(49) Subsection (51) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.
2. A reserve fund established by a local municipality in accordance with section 33 of the *Development Charges Act, 1997* for any service other than the services described in paragraphs 1 to 20 of subsection 2 (4) of the *Development Charges Act, 1997*.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

(50) Despite subsection (49), subsection (51) does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection (2); and
- (b) the specified date.

Transition respecting special account and reserve fund described in subs. (49)

(51) The following rules apply with respect to a special account or reserve fund to which this subsection applies:

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 (45).
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.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.

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 (45).

Credit under s. 38 of Development Charges Act, 1997

- (52) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the Development Charges Act, 1997 that was held as of the day before the day the by-law is passed and that relates to any services other than the services described in paragraphs 1 to 20 of subsection 2 (4) 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.

Same, services prescribed under par. 21 of s. 2 (4) of Development Charges Act, 1997

- (53) Subsection (52) does not apply with respect to a credit that relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the Development Charges Act, 1997 if the service is prescribed before the date the municipality passes the community benefits charge by-law

Transitional matters respecting repealed s. 37, etc. Definitions

37.1 (1) In this section,

“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”)

“effective date” means the day section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 comes into force. (“date d’effet”)

Continued application of repealed s. 37 (1) to (5)

- (2) Despite their repeal by section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
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 (45).

By-law described in repealed s. 37 (1)

- (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):

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.
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 (45).
3. 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.

Non-application of subs. (3)

- (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,

(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 the effective date; or

(b) is repealed.

Applicable date

- (5) The applicable date referred to in subsections (2), (3) and (4) is the earlier of,

(a) the day the municipality passes a community benefits charge by-law under subsection 37 (2); and

(b) the specified date for the purposes of section 9.1 of the Development Charges Act, 1997.

Increased density, etc., provision by law

~~37 (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.~~

Condition

~~(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 authorization of increases in height and density of development.~~

Agreements

~~(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.~~

Registration of agreement

~~(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 *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.~~

Special account

~~(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. 2015, c. 26, s. 27.~~

Investments

~~(6) 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. 2015, c. 26, s. 27.~~

Treasurer's statement

~~(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. 2015, c. 26, s. 27.~~

Requirements

~~(8) The statement shall include, for the preceding year,~~

- ~~— (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;~~
- ~~— (b) statements identifying,
 - ~~— (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,~~
 - ~~— (ii) details of the amounts spent, and~~
 - ~~— (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~~~~
- ~~— (c) any other information that is prescribed. 2015, c. 26, s. 27.~~

Copy to Minister

~~(9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27.~~

Statement available to public

~~(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.~~

Note: On a day to be named by proclamation of the Lieutenant Governor, section 37 of the Act is repealed and the following substituted: (See: 2019, c. 9, Sched. 12, s. 9)

Community benefits charges

Definitions

~~37 (1) In this section,~~

~~“specified date” means the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act; (“date précisée”)~~

~~“valuation date” means, with respect to land that is the subject of development or redevelopment,~~

- ~~— (a) the day before the day the building permit is issued in respect of the development or redevelopment, or~~
- ~~— (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 d’évaluation”) 2019, c. 9, Sched. 12, s. 9.~~

Community benefits charge by law

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

What charge can be imposed for

~~(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,~~

- ~~— (a) the passing of a zoning by law or of an amendment to a zoning by law under section 34;~~
- ~~— (b) the approval of a minor variance under section 45;~~
- ~~— (c) a conveyance of land to which a by law passed under subsection 50 (7) applies;~~
- ~~— (d) the approval of a plan of subdivision under section 51;~~
- ~~— (e) a consent under section 53;~~
- ~~— (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or~~
- ~~— (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure. 2019, c. 9, Sched. 12, s. 9.~~

Excluded development or redevelopment

~~(4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed. 2019, c. 9, Sched. 12, s. 9.~~

Excluded facilities, services and matters

~~(5) A community benefits charge may not be imposed with respect to the following:~~

- ~~— 1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997*.~~
- ~~— 2. Such other facilities, services or matters as are prescribed. 2019, c. 9, Sched. 12, s. 9.~~

In-kind contributions

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Notice of value of in-kind contributions

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Deduction of value of in-kind contributions

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Community benefits charge strategy

~~(9) Before passing a community benefits charge by law under subsection (2), the municipality shall prepare a community benefits charge strategy that,~~

- ~~— (a) identifies the facilities, services and matters that will be funded with community benefits charges; and~~
- ~~— (b) complies with any prescribed requirements. 2019, c. 9, Sched. 12, s. 9.~~

Consultation

~~(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate. 2019, c. 9, Sched. 12, s. 9.~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 37 of the Act is amended by adding the following subsection: (See: 2019, c. 15, Sched. 31, s. 1 (1))~~

Commencement of by-law

~~(10.1) A community benefits charge by law comes into force on the day it is passed or the day specified in the by law, whichever is later. 2019, c. 15, Sched. 31, s. 1 (1).~~

Limitation

~~(11) Only one community benefits charge by law passed by the council of a given municipality may be in effect at a time. 2019, c. 9, Sched. 12, s. 9.~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 37 of the Act is amended by adding the following subsections: (See: 2019, c. 15, Sched. 31, s. 1 (2))~~

Notice of by-law and time for appeal

~~(11.1) The clerk of a municipality that has passed a community benefits charge by law shall give written notice of the passing of the by law, and of the last day for appealing the by law, which shall be the day that is 40 days after the day the by law is passed. 2019, c. 15, Sched. 31, s. 1 (2).~~

Requirements of notice

~~(11.2) Notices required under subsection (11.1) must meet the prescribed requirements and shall be given in accordance with the regulations. 2019, c. 15, Sched. 31, s. 1 (2).~~

Same

~~(11.3) Every notice required under subsection (11.1) must be given not later than 20 days after the day the by law is passed. 2019, c. 15, Sched. 31, s. 1 (2).~~

When notice given

~~(11.4) A notice required under subsection (11.1) is deemed to have been given on the prescribed day. 2019, c. 15, Sched. 31, s. 1 (2).~~

Appeal of by-law after passed

~~(11.5) Any person or public body may appeal a community benefits charge by law to the Tribunal by filing with the clerk of the municipality on or before the last day for appealing the by law, a notice of appeal setting out the objection to the by law and the reasons supporting the objection. 2019, c. 15, Sched. 31, s. 1 (2).~~

Clerk's duties on appeal

~~(11.6) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by law, the clerk shall compile a record that includes,~~

- ~~— (a) a copy of the by law certified by the clerk;~~
- ~~— (b) a copy of the community benefits charge strategy;~~
- ~~— (c) an affidavit or declaration certifying that notice of the passing of the by law and of the last day for appealing it was given in accordance with this Act; and~~
- ~~— (d) the original or a true copy of all written submissions and material received in respect of the by law before it was passed. 2019, c. 15, Sched. 31, s. 1 (2).~~

Same

~~(11.7) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day of appeal and shall provide such other information or material as the Tribunal may require in respect of the appeal. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Affidavit, declaration conclusive evidence~~

~~(11.8) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~L.P.A.T. hearing of appeal~~

~~(11.9) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by law forwarded by the clerk of a municipality. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Who to get notice~~

~~(11.10) The Tribunal shall determine who shall be given notice of the hearing and in what manner. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Powers of L.P.A.T.~~

~~(11.11) After the hearing, the Tribunal may,~~

- ~~— (a) dismiss the appeal in whole or in part;~~
- ~~— (b) order the council of the municipality to repeal or amend the by law in accordance with the Tribunal's order; or~~
- ~~— (c) repeal or amend the by law in such manner as the Tribunal may determine. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Limitation on powers~~

~~(11.12) The Tribunal may not amend or order the amendment of a by law so as to,~~

- ~~— (a) increase the amount of a community benefits charge that will be payable in any particular case;~~
- ~~— (b) add, remove, or reduce the scope of, an exemption provided in the by law;~~
- ~~— (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or~~
- ~~— (d) change the date, if any, the by law will expire. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Dismissal without hearing~~

~~(11.13) Despite subsection (11.9), the Tribunal may, where it is of the opinion that the objection to the by law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~When L.P.A.T. ordered repeals, amendments effective~~

~~(11.14) The repeal or amendment of a community benefits charge by law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by law came into force. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Refunds, if L.P.A.T. repeals by law, etc.~~

~~(11.15) If the Tribunal repeals or amends a community benefits charge by law or orders the council of a municipality to repeal or amend a community benefits charge by law, the municipality shall refund,~~

- ~~— (a) in the case of a repeal, any community benefits charge paid under the by law; or~~
- ~~— (b) in the case of an amendment, the difference between any community benefits charge paid under the by law and the community benefits charge that would have been payable under the by law as amended. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~When refund due~~

~~(11.16) If a municipality is required to make a refund under subsection (11.15), it shall do so,~~

- ~~— (a) if the Tribunal repeals or amends the by law, within 30 days after the Tribunal's order; or~~
- ~~— (b) if the Tribunal orders the council of the municipality to repeal or amend the by law, within 30 days after the repeal or amendment by the council. 2019, c. 15, Sched. 31, s. 1 (2).~~

~~Interest~~

~~(11.17) The municipality shall pay interest on an amount it refunds at a rate not less than the prescribed minimum interest rate from the time the amount was paid to the municipality to the time it is refunded. 2019, c. 15, Sched. 31, s. 1 (2).~~

Application of other subsections to amendments

~~(11.18) Subsections (9), (10), (10.1) and (11.1) to (11.17) apply, with necessary modifications, to an amendment to a community benefits charge by law other than an amendment by, or pursuant to an order of, the Tribunal. 2019, c. 15, Sched. 31, s. 1 (2).~~

Limitation of L.P.A.T. powers

~~(11.19) In an appeal of an amendment to a community benefits charge by law, the Tribunal may exercise its powers only in relation to the amendment. 2019, c. 15, Sched. 31, s. 1 (2).~~

Maximum amount of community benefits charge

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Payment under protest and appraisal provided by owner

~~(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,~~

- ~~— (a) pay the charge under protest; and~~
- ~~— (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date. 2019, c. 9, Sched. 12, s. 9.~~

No appraisal under cl. (13) (b)

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Appraisal provided by the municipality

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

No appraisal under subs. (15)

~~(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 the appraisal referred to in clause (13) (b). 2019, c. 9, Sched. 12, s. 9.~~

Appraisal under subs. (15) within 5%

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Appraisal under subs. (15) not within 5%

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

Time period for appraisal referred to in subs. (18)

~~(19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period. 2019, c. 9, Sched. 12, s. 9.~~

Appraisal under subs. (18)

~~(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). 2019, c. 9, Sched. 12, s. 9.~~

~~Non-application of subs. (16), (17) and (20)~~

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

~~List of appraisers~~

~~(22) A municipality that has passed a community benefits charge by law shall maintain a list of at least three persons who,~~

- ~~— (a) are not employees of the municipality or members of its council; and~~
- ~~— (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18). 2019, c. 9, Sched. 12, s. 9.~~

~~Same~~

~~(23) A municipality shall maintain the list referred to in subsection (22) until the later of,~~

- ~~— (a) the day on which the community benefits charge by law is repealed; and~~
- ~~— (b) the day on which there is no longer any refund that is or could be required to be made under subsection (20). 2019, c. 9, Sched. 12, s. 9.~~

~~No building without payment~~

~~(24) No person shall construct a building on the land proposed for development or redevelopment unless,~~

- ~~— (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~~
- ~~— (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. 2019, c. 9, Sched. 12, s. 9.~~

~~Special account~~

~~(25) All money received by the municipality under a community benefits charge by law shall be paid into a special account. 2019, c. 9, Sched. 12, s. 9.~~

~~Investments~~

~~(26) 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. 2019, c. 9, Sched. 12, s. 9.~~

~~Requirement to spend or allocate monies in special account~~

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

~~Reports and information~~

~~(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. 2019, c. 9, Sched. 12, s. 9.~~

~~Application of subs. (30)~~

~~(29) Subsection (30) applies with respect to the following:~~

- ~~— 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 *More Homes, More Choice Act, 2019* comes into force.~~
- ~~— 2. A reserve fund established in accordance with section 33 of the *Development Charges Act, 1997* before the day section 2 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force in respect of any of the services described in subsection 9.1 (4) of the *Development Charges Act, 1997*. 2019, c. 9, Sched. 12, s. 9.~~

~~Transition respecting special account and reserve fund described in subs. (29)~~

~~(30) The following rules apply with respect to a special account or reserve fund described in subsection (29):~~

- ~~— 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).~~

- ~~—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.~~
- ~~—3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.~~
- ~~—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). 2019, c. 9, Sched. 12, s. 9.~~

~~Credit under s. 38 of *Development Charges Act, 1997*~~

~~(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 *Development Charges Act, 1997* 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 (4) 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. 2019, c. 9, Sched. 12, s. 9.~~

Section Amendments with date in force (d/m/y)

2015, c. 26, s. 27 — 01/07/2016

2019, c. 9, Sched. 12, s. 9 — not in force; 2019, c. 15, Sched. 31, s. 1 (1, 2) — not in force

~~Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 9, Sched. 12, s. 10)~~

~~Transitional matters respecting repealed s. 37, etc.~~

~~Definitions~~

~~**37.1** (1) In this section,~~

~~“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”)~~

~~“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force. (“date d’effet”) 2019, c. 9, Sched. 12, s. 10.~~

~~Continued application of repealed subs. 37 (1) to (5)~~

~~(2) Despite their repeal by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:~~

- ~~—1. Subsections 37 (1) to (4), as they read on the day before the effective date.~~
- ~~—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). 2019, c. 9, Sched. 12, s. 10.~~

~~By-law described in repealed subs. 37 (1)~~

~~(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):~~

- ~~—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.~~
- ~~—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).~~
- ~~—3. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the lands that are the subject of the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (4) 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.~~
- ~~—4. For the purposes of paragraph 3, the following rules apply:~~

- ~~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);~~
- ~~ii. despite section 34 of the *Development Charges Act, 1997*, 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.~~
- ~~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.~~
- ~~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 *More Homes, More Choice Act, 2019* comes into force, that applied to the lands on the day before the effective date, regardless of whether the by law has been repealed.~~
- ~~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. 2019, c. 9, Sched. 12, s. 10.~~

~~Non-application of subs. (3)~~

- ~~(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,~~
- ~~(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 the effective date; or~~
 - ~~(b) is repealed. 2019, c. 9, Sched. 12, s. 10.~~

~~Applicable date~~

~~(5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of,~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 37.1 (5) of the Act is amended by striking out “and paragraph 5 of subsection 51.1 (7)” in the portion before clause (a) and substituting “subsection 42 (2.1) and subsection 51.1 (7)”. (See: 2019, c. 15, Sched. 31, s. 2)~~

- ~~(a) the day the municipality passes a by law under section 37; and~~
- ~~(b) the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act. 2019, c. 9, Sched. 12, s. 10.~~

~~Section Amendments with date in force (d/m/y)~~

~~2019, c. 9, Sched. 12, s. 10 not in force; 2019, c. 15, Sched. 31, s. 2 not in force~~

Interim control 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.

Extension of period by-law in effect

(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. R.S.O. 1990, c. P.13, s. 38 (1, 2).

Notice of passing of by-law

(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. R.S.O. 1990, c. P.13, s. 38 (3); 1994, c. 23, s. 23 (1).

4. In the case of an appeal under subsection (12.0.1), documents that set out the requirements made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8), as the case may be. 2017, c. 23, Sched. 3, s. 13 (1).

Hearing

(12.1) The Tribunal shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required. 2002, c. 17, Sched. B, s. 14 (5); 2017, c. 23, Sched. 3, s. 13 (2).

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). R.S.O. 1990, c. P.13, s. 41 (13).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day. R.S.O. 1990, c. P.13, s. 41 (14).

Certain agreements declared valid and binding

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding. R.S.O. 1990, c. P.13, s. 41 (15).

City of Toronto

(16) This section does not apply to the City of Toronto. 2017, c. 23, Sched. 3, s. 13 (3).

Section Amendments with date in force (d/m/y)

1994, c. 4, s. 14 - 23/06/1994; 1994, c. 23, s. 24 (3) - 28/03/1995; 1996, c. 4, s. 24 (1-3) - 22/05/1996

2002, c. 9, s. 56 (1, 2) - 01/07/2005; 2002, c. 17, Sched. B, s. 14 (1-5) - 01/01/2003

2006, c. 23, s. 16 (1-11) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (8, 9) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (9) - 15/12/2009

2016, c. 25, Sched. 4, s. 5 - 12/04/2018

2017, c. 23, Sched. 3, s. 13 (1-3) - 03/04/2018; 2017, c. 23, Sched. 5, s. 80, 96 - 03/04/2018

Conveyance of land for park purposes

Definitions

42 (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”)

“effective date” means [July 1, 2016](#), ~~the day subsection 28 (1) of the *Smart Growth for Our Communities Act*, 2015 comes into force. (“date d’effet”) 2015, c. 26, s. 28 (1).~~

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (0.1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (1))

Conveyance

(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. R.S.O. 1990, c. P.13, s. 42 (1).

Commencement of by-law

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later.

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is amended by adding the following subsection: (See: 2019, c. 9, Sched. 12, s. 12 (2))~~

~~Community benefits charge by-law~~

~~(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. 2019, c. 9, Sched. 12, s. 12 (2).~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is amended by adding the following subsection: (See: 2019, c. 15, Sched. 31, s. 3)~~

~~Continued application of old section~~

~~(2.1) This section, as it read on the day before subsection 12 (3) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply to a local municipality until the applicable date described in subsection 37.1 (5). 2019, c. 15, Sched. 31, s. 3.~~

Alternative requirement

(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. R.S.O. 1990, c. P.13, s. 42 (3).

Consultation

(3.1) Before passing a by-law under this section that provides for the alternative requirement authorized by subsection (3), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (3) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))~~

Official plan requirement

(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. R.S.O. 1990, c. P.13, s. 42 (4).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (4) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))~~

Parks plan

(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. 2015, c. 26, s. 28 (3).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (4.1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))~~

Same

(4.2) In preparing the parks plan, the municipality,

- (a) shall consult with every school board that has jurisdiction in the municipality; and
- (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 28 (3).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (4.2) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))~~

Same

(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. 2015, c. 26, s. 28 (3).

Application, subss. (4.5) to (4.24)

(4.4) Subsections (4.5) to (4.24) apply in respect of a by-law passed under this section or an amendment to such a by-law only if the by-law or amendment provides for the alternative requirement authorized by subsection (3).

Notice of by-law and time for appeal

(4.5) The clerk of a municipality that has passed a by-law under this section shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(4.6) Notices required under subsection (4.5) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(4.7) Every notice required under subsection (4.5) must be given not later than 20 days after the day the by-law is passed.

When notice given

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(4.9) Any person or public body may appeal a by-law passed under this section to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duty on appeal

(4.10) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a by-law passed under this section, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the parks plan referred to in subsection (4.1), if one exists;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(4.11) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(4.12) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(4.13) The Tribunal shall hold a hearing to deal with any notice of appeal of a by-law passed under this section forwarded by the clerk of a municipality.

Notice

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(4.15) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in accordance with the Tribunal's order; or

(c) amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in such manner as the Tribunal may determine.

Limitation on powers

(4.16) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of parkland that will be required to be conveyed or payment in lieu that will be required to be paid in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law; or
- (c) change the date, if any, the by-law will expire.

Dismissal without hearing

(4.17) Despite subsection (4.13), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered amendments effective

(4.18) The amendment of a by-law passed under this section by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. amends by-law, orders amendment

(4.19) If the Tribunal amends a by-law passed under this section or orders the council of a municipality to amend a by-law passed under this section, the municipality shall refund,

- (a) in the case of a development or redevelopment that was subject to a requirement to convey land but not a requirement for a payment in lieu, the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended;
- (b) in the case of a development or redevelopment that was subject to a requirement for a payment in lieu but not a requirement to convey land, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended; or
- (c) in the case of a development or redevelopment that was subject both to a requirement for a payment in lieu and to a requirement to convey land,
 - (i) if the amount of land that was conveyed is greater than or equal to the amount of land required to be conveyed under the by-law as amended, the payment in lieu and the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended, or
 - (ii) if the amount of land that was conveyed is less than the amount of land required to be conveyed under the by-law as amended, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended.

When refund due

(4.20) If a municipality is required to make a refund under subsection (4.19), it shall do so,

- (a) if the Tribunal amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to amend the by-law, within 30 days after the amendment by the council.

Interest

(4.21) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality or, where land was required to be conveyed, the day the building permit was issued in respect of the development or redevelopment, to the day the amount is refunded.

Same, more than one building permit

(4.22) If more than one building permit was required for the development or redevelopment in respect of which an amount is being refunded, the municipality shall pay interest, at a rate not less than the prescribed minimum interest rate, from the day the first permit was issued for the development or redevelopment to the day the amount is refunded.

Application of specified provisions to by-law amendments

(4.23) Subsections (2), (3.1) and (4.5) to (4.22) apply, with necessary modifications, to an amendment to a by-law passed under this section other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(4.24) In an appeal of an amendment to a by-law passed under this section, the Tribunal may exercise its powers only in relation to the amendment.

Non-application

(4.25) For greater certainty, subsections (3.1) and (4.5) to (4.24) do not apply to a by-law passed under this section or an amendment to a by-law passed under this section before the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Transition, expiry of by-law

(4.26) A by-law passed under this section that is in force on the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force and that provides for the alternative requirement authorized by subsection (3) expires on the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997* unless it is repealed earlier.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (4.3) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))

Use and sale of land

(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. R.S.O. 1990, c. P.13, s. 42 (5).

Payment in lieu

(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. 2015, c. 26, s. 28 (4).

Same

(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. 2015, c. 26, s. 28 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.0.1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))

Deemed amendment of by-law

(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). 2015, c. 26, s. 28 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.0.2) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))

Transition

(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. 2015, c. 26, s. 28 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.0.3) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (3))

No building without payment

(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 satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.1) of the Act is amended by striking out “subsection (6) or (6.0.1)” and substituting “subsection (6)”. (See: 2019, c. 9, Sched. 12, s. 12 (4))

Redevelopment, reduction of payment

(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. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.2) of the Act is amended by striking out “subsection (6) or (6.0.1)” and substituting “subsection (6)”. (See: 2019, c. 9, Sched. 12, s. 12 (5))

Same

(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).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 of subsection 42 (6.3) of the Act is amended by striking out “subsection (6) or (6.0.1)” at the end and substituting “subsection (6)”. (See: 2019, c. 9, Sched. 12, s. 12 (6))

2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7).

Determination of value

(6.4) For the purposes of subsections [4.19](#) (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. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (6.4) of the Act is amended by striking out “subsections (6), (6.0.1) and (6.2)” and substituting “subsections (6) and (6.2)”. (See: 2019, c. 9, Sched. 12, s. 12 (7))

Where land conveyed

(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
- (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes. 1994, c. 23, s. 25; 2015, c. 26, s. 28 (9).

Non-application

(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. 1994, c. 23, s. 25.

Changes

(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. 1994, c. 23, s. 25.

Disputes

(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. 2017, c. 23, Sched. 5, s. 97 (1).

Same, refund following appeal if by-law is amended

(10.1) In the event of a dispute between a municipality and an owner of land as to the value of land for the purposes of subsection (4.19),

- (a) the municipality shall pay the owner the amount it considers to be owed under that subsection in accordance with subsection (4.20); and
- (b) the owner shall, no later than 30 days after receiving payment, apply to the Tribunal to have the value determined for the purpose of that subsection.

Same

(10.2) An owner of land who applies to the Tribunal under subsection (10.1) shall give notice of the application to the municipality within 15 days after the application is made.

Same

(10.3) On an application under subsection (10.1), the Tribunal shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land.

Same

(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. 2017, c. 23, Sched. 5, s. 97 (1).

Payment under protest

(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. 1994, c. 23, s. 25; 2017, c. 23, Sched. 5, s. 97 (2).

Notice

(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. 1994, c. 23, s. 25; 2017, c. 23, Sched. 5, s. 97 (3).

Park purposes

(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. 1994, c. 23, s. 25.

Special account

(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. 1994, c. 23, s. 25; 2009, c. 33, Sched. 21, s. 10 (10); 2015, c. 26, s. 28 (10).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (15) of the Act is amended by striking out “subsections (6), (6.0.1) and (14)” and substituting “subsections (6) and (14)”. (See: 2019, c. 9, Sched. 12, s. 12 (8))

Investments

(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. 1994, c. 23, s. 25; 1996, c. 32, s. 82 (5); 2002, c. 17, Sched. B, s. 15; 2006, c. 32, Sched. C, s. 47 (10).

Treasurer’s statement

(17) 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. 2015, c. 26, s. 28 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (17) of the Act is repealed and the following substituted: (See: 2019, c. 9, Sched. 12, s. 12 (9))

Reports and information

(17) 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. 2019, c. 9, Sched. 12, s. 12 (9).

Requirements

(18) The statement shall include, for the preceding year,

- (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;

- (b) statements identifying,
 - (i) any land or machinery acquired during the year with funds from the special account,
 - (ii) any building erected, improved or repaired during the year with funds from the special account,
 - (iii) details of the amounts spent, and
 - (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
- (c) any other information that is prescribed. 2015, c. 26, s. 28 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (18) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (9))

Copy to Minister

(19) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 28 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (19) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (9))

Statement available to public

(20) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 28 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (20) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 12 (9))

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 25 - 28/03/1995; 1996, c. 32, s. 82 (5) - 06/03/1997

2002, c. 17, Sched. B, s. 15 - 01/01/2003

2006, c. 23, s. 17 (1, 2) - 01/01/2007; 2006, c. 32, Sched. C, s. 47 (10) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (10) - 15/12/2009

2015, c. 26, s. 28 (1-11) - 01/07/2016

2017, c. 23, Sched. 5, s. 97 (1-3) - 03/04/2018

2019, c. 9, Sched. 12, s. 12 (1-9) - not in force; ~~2019, c. 15, Sched. 31, s. 3 - not in force~~

Application of subss. 34 (12-34)

43 (1) Subsections 34 (12) to (34) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed. R.S.O. 1990, c. P.13, s. 43 (1); 1993, c. 26, s. 55.

Effect of amendment that conforms with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 47 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1). R.S.O. 1990, c. P.13, s. 43 (2).

Section Amendments with date in force (d/m/y)

1993, c. 26, s. 55 - 02/12/1993

Committee of adjustment

44 (1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1).

be constructed, erected, located or used a land lease community home except on a parcel of land as defined in subsection (1), and in no case except as otherwise so authorized shall any person construct, erect, locate or use or cause to be constructed, erected, located or used more than one land lease community home on any such parcel of land. 1994, c. 4, s. 15 (2).

Saving

- (3) This section does not apply to prevent the continued use in the same location of any mobile home that,
- (a) was erected or located and in use prior to the 1st day of June, 1977; or
 - (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977. R.S.O. 1990, c. P.13, s. 46 (3).

Same

- (4) This section does not apply to prevent the continued use in the same location of any land lease community home that,
- (a) was constructed, erected or located and in use prior to the day the *Land Lease Statute Law Amendment Act, 1994* receives Royal Assent; or
 - (b) was constructed, erected or located in accordance with a building permit issued prior to the day the *Land Lease Statute Law Amendment Act, 1994* receives Royal Assent. 1994, c. 4, s. 15 (3).

Section Amendments with date in force (d/m/y)

1994, c. 4, s. 15 (1-3) - 23/06/1994

Power of Minister re zoning and subdivision control

- 47 (1) The Minister may by order,
- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, 38 or 39, but subsections 34 (11) to (34) do not apply to the exercise of such powers; and
 - (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4). R.S.O. 1990, c. P.13, s. 47 (1); 1994, c. 23, s. 27 (1).

Power of Minister to allow minor variances

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers. R.S.O. 1990, c. P.13, s. 47 (2).

Order prevails over by-law in event of conflict

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 38, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect. R.S.O. 1990, c. P.13, s. 47 (3).

Deemed by-law of municipality

(4) The Minister may, in the order or by separate order, provide that all or part of an order made under clause (1) (a) and any amendments to it in respect of land in a municipality, the council of which has the powers conferred by section 34, shall be deemed for all purposes, except the purposes of section 24, to be and to always have been a by-law passed by the council of the municipality in which the land is situate. 2001, c. 9, Sched. J, s. 2 (1).

Interpretation, "specified land"

(4.1) In subsections (4.3) to (4.16),

"specified land" means land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

Exclusion of land in Greenbelt Area

(4.2) For greater certainty, the land in the Greenbelt Area that is excluded from the definition of "specified land" in subsection (4.1) is the area of land designated under clause 2 (1) (a) of the *Greenbelt Act, 2005* which, pursuant to subsection 2 (2) of that Act, includes,

- (a) the areas covered by the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*;

(b) the areas covered by the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; and

(c) such areas of land as may be described in the regulations made under the *Greenbelt Act, 2005*.

Site plan control and inclusionary zoning, specified land

(4.3) The Minister may, in an order made under clause (1) (a) that applies to specified land,

(a) provide that section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of all or a specified part of the specified land described in the order;

(b) require that a person who owns all or any part of the specified land described in the order enter into one or more agreements with a municipality in which all or part of the specified land is situate dealing with some or all of the matters listed in subsection (4.4); and

(c) exercise any of the powers conferred on councils by subsections 35.2 (1) and (2) in respect of all or a specified part of the specified land described in the order.

Matters that may be dealt with in agreement

(4.4) The matters referred to in clause (4.3) (b) are the following, subject to subsection (4.6):

1. A requirement that any development, within the meaning of subsection 41 (1), on all or a specified part of the specified land described in the order be undertaken in accordance with,

i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and

ii. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,

A. the massing and conceptual design of the proposed building,

B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,

C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

D. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design,

E. matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design,

F. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, and

G. facilities designed to have regard for accessibility for persons with disabilities.

2. Anything that may be imposed as a condition by a municipality under subsection 41 (7) of this Act or subsection 114 (11) of the *City of Toronto Act, 2006*.

3. Anything that may be imposed as a condition by an upper-tier municipality under subsection 41 (8).

Same, Minister's direction

(4.5) If an order made under clause (1) (a) includes a requirement described in clause (4.3) (b) to enter into an agreement, the Minister may, at any time before or after the agreement has been entered into, provide the parties with written direction concerning the agreement.

Contents of Minister's direction

(4.6) Without limiting the generality of subsection (4.5), the Minister's direction may,

(a) provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement; or

(b) specify how any matter listed in subsection (4.4) shall be addressed in an agreement.

Compliance with Minister's direction

(4.7) The parties that are required under clause (4.3) (b) to enter into an agreement shall ensure that,

- (a) if the Minister gives direction under subsection (4.5) before the agreement is entered into, the agreement complies with the direction; and
- (b) if the Minister gives direction under subsection (4.5) after the agreement is entered into, the agreement is amended to comply with the direction.

Effect of non-compliance

(4.8) A provision of an agreement entered into pursuant to a requirement described in clause (4.3) (b) is of no effect to the extent that it does not comply with a direction the Minister gives under subsection (4.5).

Same, timing of Minister's direction

(4.9) Subsection (4.8) applies whether the Minister's direction is given before or after the agreement has been entered into.

Non-application of *Legislation Act, 2006*, Part III

(4.10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction given by the Minister under subsection (4.5).

Restriction on matters in subs. (4.4), par. 1

(4.11) The following matters relating to buildings described in subparagraph 1 ii of subsection (4.4) shall not be dealt with in an agreement entered into pursuant to a requirement described in clause (4.3) (b):

1. The interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 1 ii C of subsection (4.4).
3. The manner of construction and construction standards.

Enforceability of agreement

(4.12) If an agreement is entered into between the owner of land and a municipality in accordance with a requirement described in clause (4.3) (b),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Inclusionary zoning policies

(4.13) If an order is made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c), the Minister may do one or both of the following:

1. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order and the municipality in which all or part of the specified land is situate enter into one or more agreements dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.
2. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order enter into one or more agreements with the Minister dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to

(h) and ensuring continued compliance with the matters dealt with in the agreement.

Same

(4.14) An order containing a requirement described in paragraph 1 of subsection (4.13) is deemed to be a by-law passed by the council of the relevant local municipality for the purposes of subsections 35.2 (3) to (9) and a municipality that is a party to an agreement mentioned in that paragraph shall take the steps required under those subsections.

Same

(4.15) If an agreement is entered into in accordance with a requirement described in subsection (4.13),

[\(a\) the agreement may be registered against the land to which it applies; and](#)

[\(b\) the Minister may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.](#)

Same

[\(4.16\) An order made under clause \(1\) \(a\) in which the Minister exercises a power described in clause \(4.3\) \(c\) applies regardless of whether the official plan in effect in the relevant local municipality contains policies described in subsection 16 \(4\).](#)

Notice

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as the Minister considers proper. R.S.O. 1990, c. P.13, s. 47 (5); 2017, c. 23, Sched. 3, s. 15 (1).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities; and

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production. R.S.O. 1990, c. P.13, s. 47 (6); 2002, c. 17, Sched. B, s. 17.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office. R.S.O. 1990, c. P.13, s. 47 (7).

Revocation or amendment

(8) An amendment to any order made under subsection (1), or the revocation in whole or in part of such an order, may be initiated by the Minister or on request to the Minister by any person or public body. 2017, c. 23, Sched. 3, s. 15 (2).

Consolidated Hearings Act

(8.0.1) 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 a request under subsection (8) unless the Minister has referred the request to the Tribunal under subsection (10). 2017, c. 23, Sched. 3, s. 15 (2).

Information

(8.1) A request under subsection (8) shall include the prescribed information and material and such other information or material as the Minister may require. 1993, c. 26, s. 57 (2).

Refusal to consider

(8.2) The Minister may refuse to accept or further consider a request under subsection (8) until the prescribed information and material and the required fee are received. 1994, c. 23, s. 27 (3).

Action by Minister

(9) If the Minister initiates an amendment or revocation of an order made under subsection (1) or receives a request to amend or revoke the order, the Minister shall give notice or cause to be given notice of the proposed amendment or revocation in such manner as the Minister considers proper and shall allow such period of time as he or she considers appropriate for the submission of representations in respect of the proposed amendment or revocation. 2017, c. 23, Sched. 3, s. 15 (3).

[Exception re notice — order exercising powers under subs. \(4.3\)](#)

[\(9.1\) Subsection \(9\) does not apply with respect to an order under clause \(1\) \(a\) if, in the order, the Minister has exercised any of the powers in subsection \(4.3\).](#)

Referral of request under subs. (8)

(10) The Minister may refer a request made under subsection (8) to the Tribunal. 2017, c. 23, Sched. 3, s. 15 (3).

(10.1) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

Final approval of plan

(58) Upon presentation by the person seeking to subdivide, the approval authority may, if satisfied that the plan is in conformity with the approved 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. 1994, c. 23, s. 30.

Withdrawal of 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. 1994, c. 23, s. 30.

Duplicates

(60) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, 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. 1994, c. 23, s. 30.

Saving

(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. 1994, c. 23, s. 30.

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 30 - 28/03/1995; 1996, c. 4, s. 28 (5) - 16/11/1995; 1996, c. 4, s. 28 (2-4, 6-15) - 22/05/1996; 1997, c. 31, s. 164 - see Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2011; 1999, c. 12, Sched. M, s. 28 (1, 3) - 22/12/1999

2000, c. 26, Sched. K, s. 5 (5, 6) - 06/12/2000

2001, c. 32, s. 31 (2) - 30/09/2002

2002, c. 17, Sched. B, s. 19 (1-5) - 01/01/2003

2004, c. 18, s. 8 - 30/11/2004

2005, c. 26, Sched. B, s. 1 - 28/04/2006

2006, c. 23, s. 22 (1-16) - 01/01/2007

2009, c. 33, Sched. 21, s. 10 (12, 13) - 01/07/2010

2015, c. 26, s. 31 (1-7) - 01/07/2016

2016, c. 25, Sched. 4, s. 8 (1-6) - 08/12/2016

2017, c. 23, Sched. 3, s. 16 - 03/04/2018; 2017, c. 23, Sched. 5, s. 80-82, 99 (1-8) - 03/04/2018

2019, c. 9, Sched. 12, s. 14 (1-10) - 03/09/2019

Parkland

Definitions

51.1 (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”)

“effective date” means ~~July 1, 2016, the day subsection 32 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force. (“date d’effet”) 2015, c. 26, s. 32 (1).~~

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (0.1) of the Act is repealed and the following substituted: (See: 2019, c. 9, Sched. 12, s. 15 (1))

Definition

~~(0.1) In this section,~~

~~“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force. 2019, c. 9, Sched. 12, s. 15 (1).~~

Land conveyed or dedicated for parkland

(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. 1994, c. 23, s. 31.

Other criteria

(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. 1994, c. 23, s. 31.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (2) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (2))

Parks plan

(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. 2015, c. 26, s. 32 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (2.1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (2))

Same

(2.2) In preparing the parks plan, the municipality,

- (a) shall consult with every school board that has jurisdiction in the municipality; and
- (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 32 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (2.2) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (2))

Same

(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. 2015, c. 26, s. 32 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (2.3) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (2))

Payment in lieu

(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. 2015, c. 26, s. 32 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (3) of the Act is amended by striking out “and subsection (2) does not apply”. (See: 2019, c. 9, Sched. 12, s. 15 (3))

Same

(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. 2015, c. 26, s. 32 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (3.1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (4))

Transition

(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,

- (a) subsection (3.1) does not apply; and
- (b) subsection (3), as it reads on the day before the effective date, continues to apply. 2015, c. 26, s. 32 (2).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (3.2) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 15 (4))~~

Determination of value

(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. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (4) of the Act is amended by striking out “subsection (3) or (3.1)” and substituting “subsection (3)”. (See: 2019, c. 9, Sched. 12, s. 15 (5))~~

Application

(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. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (4).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (5) of the Act is amended by striking out “(12) to (20)” and substituting “(12) to (17)”. (See: 2019, c. 9, Sched. 12, s. 15 (6))~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 51.1 of the Act is amended by adding the following subsections: (See: 2019, c. 9, Sched. 12, s. 15 (7))~~

~~**Non-application of by-law under s. 37**~~

~~(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. 2019, c. 9, Sched. 12, s. 15 (7).~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 51.1 of the Act is amended by adding the following subsection: (See: 2019, c. 15, Sched. 31, s. 4 (1))~~

~~**Continued application of old section**~~

~~(6.1) This section, as it read on the day before subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to land in a local municipality until the applicable date described in subsection 37.1 (5). 2019, c. 15, Sched. 31, s. 4 (1).~~

~~**Transition**~~

~~(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:~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51.1 (7) of the Act is amended by striking out the portion before paragraph 1 and substituting the following: (See: 2019, c. 15, Sched. 31, s. 4 (2))~~

~~**Transition**~~

~~(7) If a draft plan of subdivision is approved before the applicable date described in subsection 37.1 (5) for the local municipality in which the draft plan of subdivision is located and the approval authority has imposed a condition under subsection (1), the following rules apply on and after that date with respect to the land within the draft plan of subdivision:~~

- ~~— 1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to the land.~~
- ~~— 2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, applies with respect to the land.~~
- ~~— 3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land.~~
- ~~— 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).~~
- ~~— 5. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, 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 (4) 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.~~
- ~~— 6. For the purposes of paragraph 5, the following rules apply:~~
 - ~~— 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 37.1 (5),~~

~~ii. despite section 34 of the *Development Charges Act, 1997*, 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.~~

~~7. The development or redevelopment of the land is not subject to a community benefits charge by law under section 37. 2019, c. 9, Sched. 12, s. 15 (7).~~

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 31 - 28/03/1995

2015, c. 26, s. 32 (1-4) - 01/07/2016

2019, c. 9, Sched. 12, s. 15 (1-7) - not in force; ~~2019, c. 15, Sched. 31, s. 4 (1, 2) - not in force~~

Delegation to committee or officer

51.2 (1) If a council of a municipality is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may by by-law delegate all or any part of the authority to approve plans of subdivision to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31; 2002, c. 17, Sched. B, s. 20 (1).

Delegation to lower-tier municipality

(2) If an upper-tier council is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law delegate all or any part of the authority to approve plans of subdivision to a lower-tier municipality in respect of land situate in the lower-tier municipality. 2002, c. 17, Sched. B, s. 20 (2).

Delegation

(2.1) Despite subsections 74 (2) and 74.1 (1), an upper-tier council may delegate the authority to approve plans of subdivision under subsection (2) with respect to applications made before March 28, 1995. 2002, c. 17, Sched. B, s. 20 (3).

Delegation to planning authority

(3) If a council is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law delegate all or any part of the authority to approve plans of subdivision to a municipal planning authority in respect of land situate in the municipal planning area. 1994, c. 23, s. 31; 2002, c. 17, Sched. B, s. 20 (4).

Further delegation

(4) If authority is delegated to a council under subsection (2), the council may in turn by by-law delegate all or any part of the authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31.

Same

(5) If authority is delegated to a municipal planning authority under subsection (3) or subsection 51 (14), the municipal planning authority may in turn by by-law delegate all or any part of the authority to a committee of the municipal planning authority or to an appointed officer identified in the by-law by name or position occupied. 1994, c. 23, s. 31.

Conditions

(6) A delegation of authority made by a council or municipal planning authority under this section may be subject to such conditions as the council or municipal planning authority by by-law provides. 1994, c. 23, s. 31.

Withdrawal of delegation

(7) A council or a municipal planning authority may by by-law withdraw a delegation of authority made by a council or a municipal planning authority under this section and such withdrawal may be either in respect of one or more plans of subdivision specified in the by-law or any or all plans of subdivision in respect of which a final disposition was not made before the withdrawal. 1994, c. 23, s. 31.

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 31 - 28/03/1995

2001, c. 9, Sched. J, s. 2 (3) - 29/06/2001

2002, c. 17, Sched. B, s. 20 (1-4) - 01/01/2003

Not subject to Act

~~62 (1) An undertaking of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act. 1998, c. 15, Sched. E, s. 27 (11); 2002, c. 1, Sched. C, s. 4.~~

Not subject to Act

62 (1) An undertaking of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act. 1998, c. 15, Sched. E, s. 27 (11); 2002, c. 1, Sched. C, s. 4.

Not subject to Act

(1) A Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* (*Editorial Note: highlighted section repeals and replaces new 62(1), above, and will presumably be proclaimed in force at a later date, see new 62(3), below*)

Subsidiaries included

(2) For the purposes of subsection (1), a reference to a corporation is deemed to include a subsidiary of that corporation. 1998, c. 15, Sched. E, s. 27 (11).

Transition

(3) Subsection (1), as it read on the day before the day subsection 62 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 27 (11) - 01/04/1999

2002, c. 1, Sched. C, s. 4 - 27/06/2002

Exempt undertakings

~~62.0.1 (1) An undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,~~

~~— (a) it has been approved under Part II or Part II.1 of the *Environmental Assessment Act* or is the subject of,~~

~~— (i) an order under section 3.1 or a declaration under section 3.2 of that Act, or~~

~~— (ii) an exempting regulation made under that Act; and~~

~~— (b) a regulation under clause 70 (h) prescribing the undertaking or class of undertakings is in effect. 2006, c. 23, s. 24.~~

Exempt projects, undertakings, etc.

(1) Any project, class of projects, undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

(a) any of the following applies with respect to the project, class of projects, undertaking or class of undertakings:

(i) it is approved under Part II.1 or Part II.3 of the *Environmental Assessment Act*,

(ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,

(iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or

(iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and

(b) a regulation made under clause 70 (h) prescribing the project, class of projects, undertaking or class of undertakings for the purposes of this subsection is in effect.

Same

~~(2) An undertaking referred to in subsection 62 (1) that has been approved under the *Environmental Assessment Act* is not subject to section 113 or 114 of the *City of Toronto Act, 2006*. 2006, c. 23, s. 24.~~

Transition

(2) Subsection (1), as it read on the day before the day subsection 62 (5) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking or class of undertakings that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

(a) was approved under Part II.1 of the *Environmental Assessment Act*;

(b) was the subject of an order under section 3.1 of the *Environmental Assessment Act* or of a declaration under section 3.2 of that Act; or

(c) was exempted from the *Environmental Assessment Act* by a regulation made under that Act.

Same, regulations

(3) For the purposes of the continued application of subsection (1) under subsection (2),

(a) the Lieutenant Governor in Council may make regulations prescribing undertakings or classes of undertakings that relate to energy and are referred to in subsection (2); and

(b) a regulation made under clause (a) is deemed to be a regulation made under clause 70 (h) for the purposes of the continued application of clause (1) (b).

Section Amendments with date in force (d/m/y)

2006, c. 23, s. 24 - 01/01/2007

62.0.2 REPEALED: 2018, c. 16, s. 8 (9).

Section Amendments with date in force (d/m/y)

2009, c. 12, Sched. K, s. 3 - 24/09/2009

2018, c. 16, s. 8 (9) - 01/06/2019

Variation of notice requirements

62.1 The Minister, the council of a municipality or a planning board may by agreement with a First Nation vary or waive the prescribed notice requirements to a band in respect of an official plan, a zoning by-law or any application under this Act. 1994, c. 23, s. 37.

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 37 - 28/03/1995

2016, c. 25, Sched. 4, s. 9 - 12/04/2018

2017, c. 23, Sched. 5, s. 101 - 03/04/2018

Fees

69.1 (1) The Minister may charge fees for the processing of applications to the Minister in respect of planning matters including the approval of an official plan or official plan amendment. 1993, c. 26, s. 64 ; 1994, c. 23, s. 42.

Same

(2) The Minister may reduce the amount of or waive the payment of a fee described under subsection (1). 1993, c. 26, s. 64.

Section Amendments with date in force (d/m/y)

1993, c. 26, s. 64 - 02/12/1993; 1994, c. 23, s. 42 - 28/03/1995

Fees

69.2 (1) If a prescribed municipality fails to adopt a plan and submit it for approval as an official plan, the Minister may charge fees to the municipality for the processing of planning applications by the Minister in respect of land situate in the municipality, including the approval of an official plan or official plan amendment. 1994, c. 23, s. 43; 2002, c. 17, Sched. B, s. 25.

Reduction

(2) The Minister may reduce the amount of or waive the payment of a fee described under subsection (1). 1994, c. 23, s. 43.

Proviso

(3) Nothing in this section prevents the Minister from charging a fee under section 69.1 in addition to a fee under this section. 1994, c. 23, s. 43.

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 43 - 28/03/1995

2002, c. 17, Sched. B, s. 25 - 01/01/2003

General regulations, Lieutenant Governor in Council

70 The Lieutenant Governor in Council may make regulations,

(a) prescribing criteria for the purposes of subsection 45 (1.0.1);

(b)-(f) REPEALED: 1996, c. 4, s. 36.

(g) prescribing the form of a warrant and the form in which the information on oath will be taken under section 49.1;

~~(h) for the purposes of section 62.0.1, prescribing an undertaking or class of undertakings that relates to energy. 1994, c. 23, s. 44; 1996, c. 4, s. 36; 2006, c. 23, s. 25; 2015, c. 26, s. 34~~

(h) for the purposes of section 62.0.1, prescribing a project, class of projects, an undertaking or class of undertakings that relates to energy.

(h) for the purposes of section 62.0.1, prescribing a project or class of projects that relates to energy. 2006 (Editorial Note: highlighted section repeals and replaces new 70(h) , above, and will presumably be proclaimed in force at a later date

Section Amendments with date in force (d/m/y)

1994, c. 23, s. 44 - 28/03/1995; 1996, c. 4, s. 36 - 22/05/1996

2006, c. 23, s. 25 - 01/01/2007

2015, c. 26, s. 34 - 01/07/2016

General regulations, Minister

70.1 (1) The Minister may make regulations,

1. prescribing forms for the purposes of this Act and providing for their use;

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);

24.0.1 governing the provisions of an agreement described in clause 35.2 (2) (i);

[24.1 prescribing types of development or redevelopment for the purposes of subsection 37 \(4\);](#)

[24.1.1 prescribing requirements for the purposes of clause 37 \(9\) \(b\);](#)

[24.1.2 prescribing the percentage referred to in subsection 37 \(32\) to be applied to the value of land;](#)

[24.1.3 prescribing time periods for the purposes of clause 37 \(33\) \(b\) and subsections 37 \(35\) and \(39\);](#)

~~24.1 prescribing information for the purposes of clause 37 (8) (c);~~

~~Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 24.1 of subsection 70.1 (1) of the Act is repealed and the following substituted: (See: 2019, c. 9, Sched. 12, s. 17 (1))~~

~~24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);~~

~~24.1.1 prescribing facilities, services or matters for the purposes of paragraph 2 of subsection 37 (5);~~

~~24.1.2 prescribing requirements for the purposes of clause 37 (9) (b);~~

~~24.1.3 prescribing the percentage referred to in subsection 37 (12) to be applied to the value of land;~~

~~24.1.4 prescribing time periods for the purposes of clause 37 (13) (b) and subsections 37 (15) and (19);~~

24.2 prescribing information for the purposes of clause 42 (18) (c);

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 24.2 of subsection 70.1 (1) of the Act is repealed. (See: 2019, c. 9, Sched. 12, s. 17 (2))

25. prescribing rules of procedure for committees of adjustment;

26. prescribing criteria for the purposes of subsection 50 (18.1) and subsection 57 (6);

27. requiring that notice be given under subsection 53 (5);

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);

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);

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, 70.2 and 70.3. 2006, c. 23, s. 26; 2015, c. 26, s. 35; 2016, c. 25, Sched. 4, s. 10 (1-6); 2019, c. 9, Sched. 12, s. 17 (3, 4).

Same

(2) A regulation made under this section or section 70 may be general or particular in its application. 1994, c. 23, s. 45.

Same

(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. 2016, c. 25, Sched. 4, s. 10 (7).

~~Note: On a day to be named by proclamation of the Lieutenant Governor, section 70.1 of the Act is amended by adding the following subsection: (See: 2019, c. 9, Sched. 12, s. 17 (5))~~

Same

~~(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. 2019, c. 9, Sched. 12, s. 17 (5).~~