

Planning Act

PART I PROVINCIAL ADMINISTRATION

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - (j) the adequate provision of a full range of housing, including affordable housing;
 - (k) the adequate provision of employment opportunities;
 - (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

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

1994, c. 23, s. 5 - 28/03/1995; 1996, c. 4, s. 2 - 22/05/1996

2001, c. 32, s. 31 (1) - 30/09/2002

2006, c. 23, s. 3 - 01/01/2007

2011, c. 6, Sched. 2, s. 1 - 04/05/2011

2015, c. 26, s. 12 - 01/07/2016

This is an unofficial comparison showing the changes proposed by the first reading version of Bill 60, prepared [by Osler, Hoskin & Harcourt LLP](#). Only sections proposed to be amended and cross referenced sections are included.

2017, c. 10, Sched. 4, s. 11 (1) - 30/05/2017; 2017, c. 23, Sched. 5, s. 80 - 03/04/2018

Approval authorities and Tribunal to have regard to certain matters

2.1 (1) When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to,

- (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and
- (b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2015, c. 26, s. 13; 2017, c. 23, Sched. 3, s. 2 (1); 2019, c. 9, Sched. 12, s. 1 (1).

Same, Tribunal

(2) When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter. 2019, c. 9, Sched. 12, s. 1 (2).

Same

(3) For greater certainty, references to information and material in subsections (1) and (2) include, without limitation, written and oral submissions from the public relating to the planning matter. 2015, c. 26, s. 13.

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

2006, c. 23, s. 4 - 01/01/2007

2015, c. 26, s. 13 - 01/07/2016

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

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

Policy statements

3 (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. R.S.O. 1990, c. P.13, s. 3 (1).

Approval of Minister, etc.

(1.1) A policy statement may require an approval or determination by the Minister, any other minister of the Crown or multiple ministers of the Crown for any of the matters provided for in the policy statement. 2017, c. 23, Sched. 3, s. 3.

Minister to confer

(2) Before issuing a policy statement, the Minister shall confer with such persons or public bodies that the Minister considers have an interest in the proposed statement. 1994, c. 23, s. 6 (1).

Notice

(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and shall give such further notice of it, in such manner as the Minister considers appropriate, to all members of the Assembly and to any other persons or public bodies that the Minister considers have an interest in the statement. 1994, c. 23, s. 6 (1).

Idem

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. R.S.O. 1990, c. P.13, s. 3 (4).

Policy statements and provincial plans

(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).

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Same, exception

(5.1) Despite clause (5) (a), a decision of the Minister, other than a part of a decision that applies to land in the Greenbelt Area, is not required to be consistent with the policy statements issued under subsection (1).

Same, retroactive effect

(5.2) For greater certainty, subsection (5.1) applies to decisions that were made before the day section 1 of Schedule 10 to the *Fighting Delays, Building Faster Act, 2025* came into force and, for that purpose, references in subsection (5.1) to clause (5) (a) include references to the predecessors of that clause.

Same

(6) Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

- (a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2023, c. 10, Sched. 6, s. 2 (2).

Minister's regulations re transition

(6.1) The Minister may make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of a policy statement issued under subsection (1), other than a policy statement deemed under subsection (8) to be a policy statement issued under subsection (1). 2023, c. 10, Sched. 6, s. 2 (3).

Same

(6.2) Without limiting the generality of subsection (6.1), a regulation under that subsection may,

- (a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a policy statement comes into effect;
- (b) provide that the policy statement being implemented does not apply, in whole or in part, to specified matters, applications and proceedings or providing that a previous policy statement continues to apply, in whole or in part, to the specified matters, applications and proceedings;
- (c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulations. 2023, c. 10, Sched. 6, s. 2 (3).

Duties of Minister unaffected

(7) Except as provided in subsections (5) and (6), nothing in this section affects nor restricts the Minister in carrying out the Minister's duties and responsibilities under this Act. 1996, c. 4, s. 3.

Deemed policy statements

(8) Each of the following is deemed to be a policy statement issued under subsection (1):

- 1. A policy statement issued under section 31.1 of the *Metrolinx Act, 2006*.
- 2. A policy statement issued under section 11 of the *Resource Recovery and Circular Economy Act, 2016*.
- 3. A policy or statement that is prescribed for the purpose of this subsection. 2017, c. 23, Sched. 3, s. 3.

Exceptions

(9) Subsections (1.1), (2), (3) and (10) do not apply to a policy or statement that is deemed by subsection (8) to be a policy statement issued under subsection (1). 2017, c. 23, Sched. 3, s. 3.

Review

(10) The Minister shall, at least every 10 years from the date that a policy statement is issued under subsection (1), ensure that a review of the policy statement is undertaken for the purpose of determining the need for a revision of the policy statement. 1994, c. 23, s. 6 (3); 2015, c. 26, s. 14.

PART III OFFICIAL PLANS

Official plan

Contents of official plan

16 (1) An official plan shall contain,

- (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;
- (a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of,
 - (i) proposed amendments to the official plan or proposed revisions of the plan,
 - (ii) proposed zoning by-laws,
 - (iii) proposed plans of subdivision, and
 - (iv) proposed consents under section 53; and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17; 2017, c. 23, Sched. 3, s. 5 (1).

Same

(2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of planning matters not mentioned in clause (1) (b); and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17.

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 4 (1).

Restriction, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3) other than the primary residential unit. 2022, c. 21, Sched. 9, s. 4 (1); 2023, c. 10, Sched. 6, s. 3.

Restriction, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Restrictions for elementary and secondary schools

(3.2.1) No official plan may contain any policy that has the effect of prohibiting the use of a parcel of urban residential land for an elementary school or secondary school of a school board or any ancillary uses to such schools, including the use of a child care centre located in the school. 2025, c. 9, Sched. 7, s. 1 (1).

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Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), (3.2) or (3.2.1). 2022, c. 21, Sched. 9, s. 4 (1); 2025, c. 9, Sched. 7, s. 1 (2).

Inclusionary zoning policies

(4) An official plan of a municipality that is prescribed for the purpose of this subsection shall contain policies that authorize inclusionary zoning by,

- (a) authorizing the inclusion of affordable housing units within buildings or projects containing other residential units; and
- (b) providing for the affordable housing units to be maintained as affordable housing units over time. 2016, c. 25, Sched. 4, s. 1 (2).

Same

(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of,

- (a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or
- (b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1). 2019, c. 9, Sched. 12, s. 2 (2).

Adoption of inclusionary zoning policies

(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,

- (a) that identify an area as the protected major transit station area described in clause (5) (a); or
- (b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established. 2019, c. 9, Sched. 12, s. 2 (2).

Goals and objectives

(6) The policies described in subsection (4) shall include goals and objectives and a description of the measures and procedures proposed to attain those goals and objectives. 2016, c. 25, Sched. 4, s. 1 (2).

Prescribed provisions and matters

(7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 1 (2).

No limitation

(8) Each subsection of this section shall be read as not limiting what an official plan is required to or may contain under any of the other subsections. 2016, c. 25, Sched. 4, s. 1 (2).

Assessment report

(9) Before adopting the parts of an official plan which contain policies described in subsection (4), the council of the municipality shall ensure that an assessment report has been prepared. 2016, c. 25, Sched. 4, s. 1 (3).

Updating of assessment report

(10) Within five years after the parts of its official plan which contain policies described in subsection (4) come into effect, the council of the municipality shall ensure that an updated assessment report is prepared for the purpose of determining whether any of those parts of the official plan should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

Periodic updating

(11) As long as its official plan contains policies described in subsection (4), the council of the municipality shall ensure that an updated assessment report is prepared within five years after the date of the most recent updated assessment report, for the purpose of determining whether any of the parts of the official plan which contain policies described in subsection (4) should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

Requirements relating to assessment reports

(12) The council of the municipality shall ensure that the initial assessment report and every updated assessment report includes the information and documents specified in the regulations and complies with the requirements specified in the regulations. 2016, c. 25, Sched. 4, s. 1 (3).

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Assessment reports to be made available to public

(13) The council of the municipality shall ensure that the initial assessment report is made available to the public before the parts of the official plan which contain policies described in subsection (4) are adopted and that every updated assessment report is made available to the public before any amendments to the parts of the official plan which contain policies described in subsection (4) are adopted. 2016, c. 25, Sched. 4, s. 1 (3).

Climate change policies

(14) An official plan shall contain policies that identify goals, objectives and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate, including through increasing resiliency. 2017, c. 23, Sched. 3, s. 5 (2).

Protected major transit station areas – single-tier municipality

(15) The official plan of a single-tier municipality or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station area and that delineate the area's boundaries, and if the official plan includes such policies it must also contain policies that,

- (a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- (b) identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
- (c) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area. 2017, c. 23, Sched. 3, s. 5 (2); 2022, c. 21, Sched. 9, s. 4 (2).

Same, upper-tier municipality

(16) The official plan of an upper-tier municipality with planning responsibilities may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station area and that delineate the area's boundaries, and if the official plan includes such policies it must also contain policies that,

- (a) identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area; and
- (b) require official plans of the relevant lower-tier municipality or municipalities to include policies that,
 - (i) identify the authorized uses of land in the area and of buildings or structures on lands in the area; and
 - (ii) identify the minimum densities that are authorized with respect to buildings and structures on lands in the area. 2017, c. 23, Sched. 3, s. 5 (2); 2022, c. 21, Sched. 9, s. 4 (3).

Failure to amend official plan

(17) If an official plan of a lower-tier municipality that is required to include the policies described in subclauses (16) (b) (i) and (ii) is not amended to include those policies as required by subsection 27 (1) within one year from the day the policies identifying the relevant protected major transit station area in accordance with subsection (16) of this section come into effect, subsection 27 (2) does not apply and instead the council of the upper-tier municipality shall amend the official plan of the lower-tier municipality in the like manner and subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required. 2017, c. 23, Sched. 3, s. 5 (2).

No exemption under s. 17 (9)

(18) An order under subsection 17 (9) does not apply to an amendment to an official plan if the amendment does any of the following:

1. Adds all of the policies described in subsection (15) to the official plan.
2. In the case of an official plan of an upper-tier municipality, adds all of the policies described in subsection (16) to the plan, other than the policies described in subclauses (16) (b) (i) and (ii).
3. In the case of an official plan of a lower-tier municipality, adds all of the policies described in subclauses (16) (b) (i) and (ii) to the plan with respect to a protected major transit station area identified in accordance with subsection (16).
4. ~~Amends or revokes~~ [Except as provided for in subsection \(18.1\), amends or revokes](#) any of the policies described in subsection (15) or (16) with respect to a protected major transit station area identified in accordance with either of those subsections. 2017, c. 23, Sched. 3, s. 5 (2).

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Same, exception

(18.1) Despite paragraph 4 of subsection (18), an order under subsection 17 (9) does apply to an amendment to an official plan if,

- (a) the only policies described in subsection (15) or (16) that are amended or revoked by the amendment are policies that identify the authorized uses of land, buildings or structures in the protected major transit station area; and
- (b) residential use would be authorized on all of the land subject to the amendment that is within the protected major transit station area if the amendment came into effect as adopted.

Authorization under s. 17 (10) does not apply

(19) An authorization under subsection 17 (10) does not apply to an amendment to an official plan of a lower-tier municipality that,

- (a) adds all of the policies described in subclauses (16) (b) (i) and (ii) to the plan with respect to a protected major transit station area identified in accordance with subsection (16); or
- (b) amends or revokes any of the policies described in subclauses (16) (b) (i) and (ii) with respect to a protected major transit station area identified in accordance with subsection (16). 2017, c. 23, Sched. 3, s. 5 (2).

Updating zoning by-laws

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies. 2022, c. 21, Sched. 9, s. 4 (4).

Same

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
 - i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
 - ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1). 2022, c. 21, Sched. 9, s. 4 (4).

Restriction, parking facilities

(22) No official plan may contain any policy that has the effect of requiring an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is not part of a highway and that is located within,

- (a) a protected major transit station area identified in accordance with subsection (15) or (16);
- (b) an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1); or
- (c) any other area prescribed for the purposes of this clause. 2024, c. 16, Sched. 12, s. 2.

Policy of no effect

(23) A policy in an official plan is of no effect to the extent that it contravenes subsection (22). 2024, c. 16, Sched. 12, s. 2.

Same

(24) No official plan may contain any policy that has the effect of requiring an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, containing more than the prescribed number of parking spaces on land that is not part of a highway and that is located within an area prescribed for the purposes of this subsection, and if a policy does so, the official plan is deemed to be amended to be consistent with this subsection. 2024, c. 16, Sched. 12, s. 2.

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

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1994, c. 23, s. 9 - 28/03/1995

Approvals

17 (1) Except as otherwise provided in this section, the Minister is the approval authority in respect of the approval of a plan as an official plan for the purposes of this section. 1996, c. 4, s. 9.

Approval by upper-tier municipality

(2) An upper-tier municipality with planning responsibilities is the approval authority in respect of an official plan of a lower-tier municipality for the purposes of this section if the upper-tier municipality has an approved official plan. 2002, c. 17, Sched. B, s. 5 (1); 2022, c. 21, Sched. 9, s. 5 (1).

(3) REPEALED: 2002, c. 17, Sched. B, s. 5 (2).

Upper-tier become approval authority

(4) On the day that all or part of a plan that covers an upper-tier municipality with planning responsibilities comes into effect as the official plan of a municipality, the upper-tier municipality is the approval authority in respect of the approval of a plan as an official plan of a lower-tier municipality. 2002, c. 17, Sched. B, s. 5 (3); 2022, c. 21, Sched. 9, s. 5 (2).

(5) REPEALED: 2002, c. 17, Sched. B, s. 5 (4).

Removal of power

(6) The Minister may by order remove the power given under subsection (2) or (4) and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments submitted for approval after the order is made. 1996, c. 4, s. 9; 2002, c. 17, Sched. B, s. 5 (5); 2022, c. 21, Sched. 9, s. 5 (3).

Transfer of approval authority

(7) If an order is made under subsection (6), the Minister becomes the approval authority in respect of the plans and proposed official plan amendments to which the order relates and the council of the former approval authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter in respect of which the power was removed and of which a final disposition was not made by the approval authority. 1996, c. 4, s. 9.

Revocation

(8) If the Minister revokes the order or part of the order made under subsection (6), the council reverts back to being the approval authority in respect of all plans or proposed official plan amendments to which the revoked order or revoked part of the order applied. 1996, c. 4, s. 9.

Exemption

(9) Subject to subsection 26 (6), the Minister may by order exempt a plan or proposed official plan amendment from his or her approval under this section and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (1).

Authority to exempt

(10) The Minister may by order authorize an approval authority to pass a by-law,

- (a) exempting any or all plans or proposed official plan amendments from its approval under this section; and
- (b) exempting a plan or proposed official plan amendment from its approval under this section. 1996, c. 4, s. 9.

...

PART IV COMMUNITY IMPROVEMENT

Community improvement project area

28 (1) In this section,

“community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary; (“améliorations communautaires”)

“community improvement plan” means a plan for the community improvement of a community improvement project area; (“plan d’améliorations communautaires”)

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“community improvement project area” means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. (“zone d’améliorations communautaires”) R.S.O. 1990, c. P.13, s. 28 (1); 2001, c. 17, s. 7 (1, 2); 2006, c. 23, s. 14 (1).

Affordable housing

(1.1) Without limiting the generality of the definition of “community improvement” in subsection (1), for greater certainty, it includes the provision of affordable housing. 2006, c. 23, s. 14 (2).

Designation of community improvement project area

(2) Where there is an official plan in effect in a local municipality ~~or in a prescribed upper tier municipality~~ that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area. R.S.O. 1990, c. P.13, s. 28 (2); 2006, c. 23, s. 14 (3).

Same, upper-tier municipality

(2.1) The council of an upper-tier municipality may, by by-law, designate the whole or part of any area within the upper-tier municipality as a community improvement project area.

Acquisition and clearance of land

(3) When a by-law has been passed under subsection (2) or (2.1), the municipality may,

- (a) acquire land within the community improvement project area;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement. R.S.O. 1990, c. P.13, s. 28 (3); 2001, c. 17, s. 7 (3); 2015, c. 26, s. 25.

Community improvement plan

(4) When a by-law has been passed under subsection (2) or (2.1), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the plan may be adopted and come into effect in accordance with subsections (5) and (5.1). 2006, c. 32, Sched. C, s. 47 (1).

Restriction re upper-tier municipality

(4.0.1) The community improvement plan of an upper-tier municipality may deal only with prescribed matters. 2006, c. 23, s. 14 (4).

(4.1)-(4.4) REPEALED: 2006, c. 32, Sched. C, s. 47 (1).

Same

(5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49) to (50.1) apply, with necessary modifications, in respect of a community improvement plan and any amendments to it. 2006, c. 32, Sched. C, s. 47 (1); 2017, c. 23, Sched. 3, s. 9; 2019, c. 9, Sched. 12, s. 5.

Same

(5.1) The Minister is deemed to be the approval authority for the purpose of subsection (5). 2006, c. 32, Sched. C, s. 47 (1).

Same

(5.2) Despite subsection (5), if an official plan contains provisions describing the alternative measures mentioned in subsection 17 (19.3), subsections 17 (15), (17) and (19) to (19.2) do not apply in respect of the community improvement plan and any amendments to it, if the measures are complied with. 2006, c. 32, Sched. C, s. 47 (1).

Powers of council re land

(6) For the purpose of carrying out a community improvement plan that has come into effect, the municipality may,

- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan. R.S.O. 1990, c. P.13, s. 28 (6); 2001, c. 17, s. 7 (6).

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Grants or loans re eligible costs

(7) For the purpose of carrying out a municipality's community improvement plan that has come into effect, the municipality may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan. 2006, c. 23, s. 14 (8).

Eligible costs

(7.1) For the purposes of subsection (7), the eligible costs of a community improvement plan may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities. 2006, c. 23, s. 14 (8).

Grants or loans between upper and lower-tier municipalities

(7.2) The council of an upper-tier municipality may make grants or loans to the council of a lower-tier municipality and the council of a lower-tier municipality may make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a community improvement plan that has come into effect, on such terms as to security and otherwise as the council considers appropriate, ~~but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans.~~ 2006, c. 23, s. 14 (8).

Maximum amount

(7.3) The total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the *Municipal Act, 2001* or section 333 of the *City of Toronto Act, 2006*, as the case may be, that is provided in respect of the lands and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings. 2006, c. 23, s. 14 (8); 2006, c. 32, Sched. C, s. 48 (3).

(8) REPEALED: 2006, c. 32, Sched. C, s. 47 (3).

Application of s. 32 (2, 3)

(9) Subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section. R.S.O. 1990, c. P.13, s. 28 (9).

Conditions of sale, etc.

(10) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that the person or authority will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time. R.S.O. 1990, c. P.13, s. 28 (10).

Registration of agreement

(11) An agreement concerning a grant or loan made under subsection (7) or an agreement entered into under subsection (10), may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land. R.S.O. 1990, c. P.13, s. 28 (11); 2006, c. 23, s. 14 (10).

Debentures

(12) Despite subsection 408 (3) of the *Municipal Act, 2001* or any regulation under section 256 of the *City of Toronto Act, 2006*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Tribunal, provides. 2002, c. 17, Sched. B, s. 9; 2006, c. 32, Sched. C, s. 47 (4); 2017, c. 23, Sched. 5, s. 91.

Dissolution of area

(13) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area. R.S.O. 1990, c. P.13, s. 28 (13).

Revival of community improvement project area and community improvement plan

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(14) If an upper-tier municipality without planning responsibility had passed by-laws that designated a community improvement project area under subsection (2) and adopted a community improvement plan under subsection (4) and both of those by-laws were in effect as of the day before the municipality became an upper-tier municipality without planning responsibility, those by-laws are deemed to be in effect on the day subsection 3 (6) of Schedule 10 to the *Fighting Delays, Building Faster Act, 2025* comes into force and may be amended or repealed in accordance with this section.

PART V LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands, etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

Contaminated lands; sensitive or vulnerable areas

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,
 - i. that is contaminated,
 - ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
 - iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act, 2006*.

Natural features and areas

- 3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,
 - i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
 - ii. that is a significant corridor or shoreline of a lake, river or stream, or
 - iii. that is a significant natural corridor, feature or area.

Significant archaeological resources

- 3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

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Loading or parking facilities

6. Subject to subsection (1.1), for requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1); 1994, c. 23, s. 21 (1, 2); 1996, c. 4, s. 20 (1-3); 2006, c. 22, s. 115; 2024, c. 16, Sched. 12, s. 5 (1).

Restriction, parking facilities

(1.1) Despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is not part of a highway and that is located within,

- (a) a protected major transit station identified in accordance with subsection 16 (15) or (16);
- (b) an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1); or
- (c) any other area prescribed for the purposes of clause 16 (22) (c). 2024, c. 16, Sched. 12, s. 5 (2).

Provisions of no effect

(1.2) A provision of a by-law passed under this section or an order made under clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1.1) of this section. 2024, c. 16, Sched. 12, s. 5 (2).

Same

(1.3) Despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, containing more than the number of parking spaces prescribed for the purposes of subsection 16 (24) on land that is not part of a highway and that is located within an area prescribed for the purposes of that subsection, and if a by-law does so, the by-law is deemed to be amended to be consistent with this subsection. 2024, c. 16, Sched. 12, s. 5 (2).

Provision re minimum standards

(1.3.1) A minimum standard that is found in a zoning by-law passed under this section may be reduced by the prescribed percentage of the minimum standard, if the type of minimum standard is prescribed.

Same

(1.3.2) Subsection (1.3.1) does not apply to a minimum setback distance.

Provision re maximum standards

(1.3.3) A maximum standard that is found in a zoning by-law passed under this section may be increased by the prescribed percentage of the maximum standard, if the type of maximum standard is prescribed.

Provision re setbacks

(1.4) Subject to subsection (1.5), a minimum setback distance is deemed to be the prescribed percentage of the setback distance. 2025, c. 9, Sched. 7, s. 4 (1).

Same, Greenbelt

- (1.5) Subsections (1.3.1), (1.3.3) and (1.4) do not apply ~~Subsection (1.4) does not apply~~ to a building or structure located,
- (a) in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*;
 - (b) on a parcel of land that is not a parcel of urban residential land; or
 - (c) on a parcel of land that includes any land in an area prescribed for the purposes of subsection 41 (1.2) of this Act. 2025, c. 9, Sched. 7, s. 4 (1).

Same, transition

(1.5.1) Despite any subsequent changes to a minimum or maximum standard as a result of any changes to a percentage prescribed for the purposes of subsection (1.3.1) or (1.3.3), the minimum or maximum standard, as the case may be, in respect of a building, structure or parcel of land shall be determined in accordance with the following:

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1. In the case of a building or structure, or parcel of land on which a building or structure is located, for which a permit was required under subsection 8 (1) of the *Building Code Act, 1992*, the minimum or maximum standard in respect of the building, structure or parcel of land is the minimum or maximum standard on the day a permit was issued under subsection 8 (2) of that Act where the permit was not revoked under subsection 8 (10) of that Act.

2. In all other cases, the minimum or maximum standard in respect of a building, structure or parcel of land is the minimum or maximum standard on the day the lawful use of the building, structure or parcel of land was established.

Same, transition

(1.6) Despite any subsequent changes to a minimum setback distance as a result of any changes to a percentage prescribed for the purposes of subsection (1.4), the minimum setback distance in respect of a building or structure is deemed to be the minimum setback distance on the day,

- (a) a permit is issued under subsection 8 (1) of the *Building Code Act, 1992*, in respect of the building or structure, where the permit was not revoked under subsection 8 (10) of that Act; or
- (b) the lawful use of the building or structure was established, in the case of a building or structure in respect of which no building permit was required. 2025, c. 9, Sched. 7, s. 4 (1).

Definition

(1.7) In this section,

“setback distance” means the distance that a building or structure must be setback from a boundary of the parcel on which the building or structure is located in accordance with a by-law passed under this section. 2025, c. 9, Sched. 7, s. 4 (1).

Pits and quarries

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). R.S.O. 1990, c. P.13, s. 34 (2).

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

City of Toronto

(3.1) Subsection (3) does not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (2).

...

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).

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

(1.0.0.1) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1) on or after the day subsection 5 (1) of Schedule 10 to the *Fighting Delays, Building Faster Act, 2025* comes into effect.

Same, exception

(1.0.0.2) Subsection (1.0.0.1) does not apply to an order to amend or revoke an order that was made under subsection (1) before the day subsection 5 (1) of Schedule 10 to the *Fighting Delays, Building Faster Act, 2025* came into effect.

Publication

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(1.0.0.3) An order made under subsection (1) on or after the day subsection 5 (1) of Schedule 10 to the *Fighting Delays, Building Faster Act*, 2025 comes into effect shall be published on a website of the government of Ontario.

Conditions

(1.0.1) The Minister may, in an order made under clause (1) (a), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable. 2025, c. 9, Sched. 7, s. 8.

Same

(1.0.2) When a condition is imposed under subsection (1.0.1),

- (a) the Minister may require an owner of land to which the order applies to enter into an agreement relating to the condition with the Minister or with the municipality in which the land is situate;
- (b) the agreement may be registered against the land to which it applies; and
- (c) the Minister or the municipality, as the case may be, 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. 2025, c. 9, Sched. 7, s. 8.

Same, effect

(1.0.3) If a condition has been imposed under subsection (1.0.1) with respect to the use of land or the erection, location or use of buildings or structures, the order is suspended and no person shall use the land or erect, locate or use the buildings or structures under the authority of the order until the Minister is satisfied that the condition has been or will be fulfilled. 2025, c. 9, Sched. 7, s. 8.

Notice to clerk

(1.0.4) If the Minister is satisfied that the conditions imposed under subsection (1.0.1) have been or will be fulfilled, the Minister shall provide notice to the clerk of the local municipality in which the land is situate. 2025, c. 9, Sched. 7, s. 8.

Publication

(1.0.5) Within 15 days after receiving notice pursuant to subsection (1.0.4), the clerk shall make the notice available to the public. 2025, c. 9, Sched. 7, s. 8.

~~Non-application of s. 3 (5) (a)~~

~~(1.1) Clause 3 (5) (a) does not apply and is deemed never to have applied to an order made under clause (1) (a) of this section. 2021, c. 2, Sched. 3, s. 1.~~

~~Greenbelt Area~~

~~(1.2) Despite subsection (1.1), clause 3 (5) (a) applies and always has applied to any part of an order made under clause (1) (a) of this section that applies to land in the Greenbelt Area. 2021, c. 2, Sched. 3, s. 1.~~

~~Retroactive effect~~

~~(1.3) For greater certainty, subsection (1.1) applies to orders that were made under clause (1) (a) before the day the section 1 of Schedule 3 to the *Supporting Broadband and Infrastructure Expansion Act*, 2021 came into force and, for that purpose, references in subsections (1.1) and (1.2) to clauses (1) (a) and 3 (5) (a) include references to the predecessors of those clauses. 2021, c. 2, Sched. 3, s. 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 (8.2) 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); 2021, c. 25, Sched. 24, s. 1.

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).

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Non-application of policy statements, etc.

(4.0.1) The Minister may, in an order made under clause (1) (a), provide that policy statements issued under subsection 3 (1), provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established. 2023, c. 10, Sched. 6, s. 11.

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*. 2020, c. 18, Sched. 17, s. 3.

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*. 2020, c. 18, Sched. 17, s. 3.

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. 2020, c. 18, Sched. 17, s. 3; 2020, c. 18, Sched. 17, s. 3.

Delegate of municipality

(4.3.1) A municipality’s authority to enter into agreements referred to in clause (4.3) (b) may be delegated to an officer, employee or agent of the municipality who has been appointed for the purposes of subsection 41 (4) of this Act or subsection 114 (5) of the City of Toronto Act, 2006.

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,

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- D. matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,
 - 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). 2020, c. 18, Sched. 17, s. 3; 2022, c. 21, Sched. 9, s. 15 (1).

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. 2020, c. 18, Sched. 17, s. 3.

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; or
- (c) specify timelines for entering into an agreement required under clause (4.3) (b) and for the resolution of matters required by such 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. 2020, c. 18, Sched. 17, s. 3.

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). 2020, c. 18, Sched. 17, s. 3.

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. 2020, c. 18, Sched. 17, s. 3.

Agreement not satisfied

(4.9.1) If the Minister is of the opinion that any part of an agreement entered into under clause (4.3) (b) has not been satisfied, the Minister may make an order,

- (a) deeming one or more terms or conditions of the agreement to be satisfied, or to be of no force and effect, as the case may be; or
- (b) requiring either the owner of land or a municipality to make a motion for directions to have the Tribunal determine a dispute about any part of the agreement.

Final determination

(4.9.2) The Tribunal's determination under clause (4.9.1) (b) is not subject to appeal or review.

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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) [or an order made by the Minister under subsection \(4.9.1\)](#). 2020, c. 18, Sched. 17, s. 3.

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.
- 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (4.4).
3. The manner of construction and construction standards. 2020, c. 18, Sched. 17, s. 3; 2022, c. 21, Sched. 9, s. 15 (2).

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. 2020, c. 18, Sched. 17, s. 3.

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. 2020, c. 18, Sched. 17, s. 3.

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. 2020, c. 18, Sched. 17, s. 3.

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. 2020, c. 18, Sched. 17, s. 3.

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). 2020, c. 18, Sched. 17, s. 3.

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).

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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 hearing

- (8.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal in respect of a request under subsection (8) unless the Minister has referred the request to the Tribunal under subsection (10). 2021, c. 4, Sched. 6, s. 80 (6).

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). 2020, c. 18, Sched. 17, s. 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).

Hearing by Tribunal

- (11) If the Minister refers the request to the Tribunal, the Tribunal shall conduct a hearing. 2017, c. 23, Sched. 3, s. 15 (3).

Notice of hearing

- (12) Notice of the hearing shall be given in such manner and to such persons as the Tribunal may determine. 2017, c. 23, Sched. 3, s. 15 (3).
- (12.1)-(12.3) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

Recommendation

- (13) At the conclusion of the hearing, the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the requested amendment or revocation, in whole or in part, make modifications and approve the requested amendment or revocation as modified or refuse the requested amendment or revocation, in whole or in part, and giving reasons for the recommendation. 2017, c. 23, Sched. 3, s. 15 (3).

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(13.1)-(13.5) REPEALED: 2017, c. 23, Sched. 3, s. 15 (3).

Notice of recommendation

(14) A copy of the recommendation of the Tribunal shall be sent to each person who appeared at the hearing and made representations and to any person who in writing requests a copy of the recommendation. 2017, c. 23, Sched. 3, s. 15 (3).

Decision to amend or revoke

(15) After considering representations received under subsection (9), if any, and the recommendation of the Tribunal under subsection (13), if there is one, the Minister may, by order, amend or revoke in whole or in part the order made under subsection (1). 2017, c. 23, Sched. 3, s. 15 (3).

Notice of decision

(16) The Minister shall forward a copy of his or her decision to amend or revoke in whole or in part the order to the clerk of each municipality or secretary-treasurer of each planning board which is within the area covered by the amendment and any person who in writing requests a copy of the decision. 2017, c. 23, Sched. 3, s. 15 (3).

(17) REPEALED: 1994, c. 23, s. 27 (8).

Effect of land use order

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 50 (4). R.S.O. 1990, c. P.13, s. 47 (18).

Deemed by-law

(19) 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 the planning area of a planning board shall be deemed to be and to always have been a by-law passed under section 34 by the planning board in which the land is situate. 2001, c. 9, Sched. J, s. 2 (2).

Limitations on remedies

(20) No cause of action arises as a direct or indirect result of,

- (a) the enactment, amendment or repeal of any provision of this section;
- (b) a decision in respect of the exercise of any power under this section, including but not limited to the making, amendment or revocation of orders under this section;
- (c) anything done or not done in accordance with this section; or
- (d) any representation or other conduct by current or former employees, officers or agents of the Crown in right of Ontario or current or former members of the Executive Council that is related, directly or indirectly, to
 - (i) the actual or potential making of any decision under this section,
 - (ii) the actual or potential acquisition, disposal, use or development of any land subject to any decision under this section, or
 - (iii) the actual or potential granting or issuance of any approval, permit, order, by-law or other instrument in respect of any order under this section. 2023, c. 24, Sched. 2, s. 1.

No remedy

(21) No costs, compensation or damages, including for loss of revenues or loss of profit, are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person in connection with anything referred to in subsection (20). 2023, c. 24, Sched. 2, s. 1.

Proceedings barred

(22) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (20) may be brought or maintained against any person. 2023, c. 24, Sched. 2, s. 1.

Application

(23) Subsection (22) does not apply with respect to an application for judicial review, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief or the enforcement of a judgment, order or award made outside of Ontario. 2023, c. 24, Sched. 2, s. 1.

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Retrospective effect

(24) Subsections (20), (21) and (22) apply regardless of whether a cause of action on which a proceeding is purportedly based arose before, on or after the day section 1 of Schedule 2 to the *Planning Statute Law Amendment Act, 2023* comes into force. 2023, c. 24, Sched. 2, s. 1.

No costs award

(25) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (22). 2023, c. 24, Sched. 2, s. 1.

No expropriation or injurious affection

(26) Nothing referred to in subsection (20) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2023, c. 24, Sched. 2, s. 1.

Proceedings by Crown not prevented

(27) Subsections (20) to (26) and this subsection do not apply with respect to proceedings brought by the Crown in right of Ontario. 2023, c. 24, Sched. 2, s. 1.

Person defined

(28) In subsections (20) to (27),

“person” includes the Crown in right of Ontario and its current and former employees, officers and agents and current and former members of the Executive Council and municipalities and their current and former employees, officers and agents. 2023, c. 24, Sched. 2, s. 1.

Exception

(29) Subsections (20) to (28) do not apply, and are deemed to have never applied, in respect of land designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*, including any causes of action, amounts owing or payable, remedies or proceedings relating directly or indirectly to such land. 2024, c. 18, Sched. 5, s. 1.

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;
2. prescribing information and material that are to be provided under this Act and the manner in which they are to be provided;
3. prescribing the manner in which any notice is to be given under this Act, including the persons or public bodies to whom it shall be given, the person or public bodies who shall give the notice and the contents of the notice;
4. prescribing the timing requirements for any notice given under any provision of this Act;
5. prescribing information and material that must be included in any record;
6. prescribing plans or policies and provisions of those plans or policies for the purposes of clause (f) of the definition of “provincial plan” in subsection 1 (1);
7. prescribing any ministry of the Province of Ontario to be a public body under subsection 1 (3);
8. excluding any board, commission, agency or official from the definition of “public body” under subsection 1 (4);
9. prescribing conditions for the purpose of subsection 8.1 (1);
10. prescribing a term for the purpose of clause 8.1 (3) (a) and qualifications for the purpose of clause 8.1 (3) (b);
11. prescribing eligibility criteria for the purpose of subsection 8.1 (4);
12. prescribing classes for the purpose of clause 8.1 (5) (c);
13. prescribing requirements for the purpose of subsection 8.1 (8);
14. prescribing the methods for determining the number of members from each municipality to be appointed to a municipal planning authority under subsection 14.1 (5);
15. prescribing matters for the purpose of clause 16 (1) (c) and for the purpose of clause 16 (2) (c);
- 15.1 prescribing municipalities for the purpose of subsection 16 (4);

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- 15.2 in the case of municipalities prescribed for the purpose of subsection 16 (4),
 - i. governing the time within which each municipality must submit an official plan containing policies that authorize inclusionary zoning for approval by the approval authority, and
 - ii. governing the time within which each municipality must pass one or more by-laws under section 34 to give effect to those policies;
- 15.3 prescribing provisions and matters relating to the policies described in subsection 16 (4), for the purpose of subsection 16 (7);
- 15.4 specifying that a by-law passed under section 34 to give effect to policies described in subsection 16 (4) does not apply to development or classes of development specified in the regulation and specifying the circumstances in which the by-law does not apply;
- 16. prescribing the processes to be followed and the materials to be developed under section 16.1;
- 17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;
- 18. prescribing information and material for the purposes of clauses 17 (15) (a) and (b), public bodies for the purposes of clause 17 (15) (b) and the manner of making information and material available for the purposes of clause 17 (15) (c);
- 19. prescribing, for the purposes of clauses 17 (17) (a) and (b), clause 22 (6.4) (a), clause 34 (10.7) (a), clauses 34 (13) (a) and (b) and clause 51 (19.4) (a),
 - i. persons and public bodies,
 - ii. the manner of giving notice, and
 - iii. information;
- 20. prescribing time periods for the purpose of subsections 17 (44.4), 34 (24.4) and 51 (52.4);
- 20.1 governing the information or material that may be required under subsection 22 (5), 34 (10.2), 41 (3.4), 51 (18) or 53 (3), including specifying information or material that may or may not be required, and providing that such requirements or prohibitions prevail over any requirements in an official plan;
- 21. prescribing public bodies for the purpose of clause 26 (3) (a);
- ~~22. prescribing upper tier municipalities for the purpose of subsection 28 (2);~~
- 23. prescribing matters for the purpose of subsection 28 (4.0.1);
- 23.1 prescribing provisions and matters relating to loading or parking facilities, for the purpose of subsection 34 (5.1);
- 23.2 REPEALED: 2024, c. 16, Sched. 12, s. 13 (1);
- 24. prescribing conditions for the purpose of subsection 34 (16) and limitations for the purpose of subsection 34 (16.1);
- 24.0.1 governing the provisions of an agreement described in clause 35.2 (2) (i);
- 24.1 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);
- 24.2 prescribing a development or one or more classes of development to which subsections 41 (7.1) and (7.2) do not apply;
- 24.3 prescribing time periods for the purposes of clauses 41 (7.2) (a) and (b), including providing for a specific time period that applies to a particular development or providing for different time periods that apply with respect to different classes of development;
- 24.4 prescribing a development or one or more classes of development to which subsection 41 (7.3) does not apply;
- 25. prescribing rules of procedure for committees of adjustment;
- 26. prescribing conditions for the purposes of subsection 51 (25.1);
- 26.1 prescribing a development or one or more classes of development to which subsections 51 (32) and (32.1) do not apply;

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- 26.2 prescribing a development or one or more classes of development to which an approval authority is not permitted to provide for the lapsing of an approval under subsection 51 (32);
- 26.3 prescribing time periods for the purposes of clauses 51 (32.1) (a) and (b), including providing for a specific time period that applies to a particular development or providing for different time periods that apply with respect to different classes of development;
- 26.4 prescribing a development or one or more classes of development to which subsection 51 (33.4) does not apply;
- 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;
- 30.0.1 for the purposes of section 64,
 - i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,
 - ii. identifying the persons to whom a report must be provided,
 - iii. specifying the frequency with which reports must be produced and provided, and
 - iv. specifying the format in which a report must be provided;
- 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 (2-4); 2020, c. 18, Sched. 17, s. 5; 2021, c. 25, Sched. 24, s. 8; 2022, c. 12, Sched. 5, s. 12; 2022, c. 21, Sched. 9, s. 21; 2024, c. 16, Sched. 12, s. 13; 2025, c. 9, Sched. 7, s. 11.

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).

Conflict

- (4) In the event of a conflict between a regulation made under paragraph 23.2 of subsection (1) and a by-law passed by a municipality under paragraph 6 of subsection 34 (1), or a predecessor thereof, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect. 2016, c. 25, Sched. 4, s. 10 (8).

28.