

## Planning Act

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

Highlighted sections come into force on a day to be named by the Lieutenant Governor in Council, all other amendments will come into force on Royal Assent

Only sections proposed to be amended and surrounding context are shown

#### 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, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:
  - i. Manufacturing uses.
  - ii. Uses related to research and development in connection with manufacturing anything.
  - iii. Warehousing uses, including uses related to the movement of goods.
  - iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
  - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
  - vi. Any other prescribed business and economic uses.
2. The uses are not any of the following uses:
  - i. Institutional uses.
  - ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; (“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 service 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”)

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

“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

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- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
  - (i) a municipality,
  - (ii) a municipal service board established under the *Municipal Act, 2001*,
  - (iii) a city board established under the *City of Toronto Act, 2006*,
  - (iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
  - (v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and

- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”)

“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
- (f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario; (“plan provincial”)

“public body” means a municipality, a local board, a hospital as defined in section 1 of the *Public Hospitals Act*, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation; (“organisme public”)

“public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board; (“travaux publics”)

“regulations” means regulations made under this Act. (“règlements”)

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy project” has the same meaning as in the *Electricity Act, 1998*; (“projet d’énergie renouvelable”)

“renewable energy testing facility” has the same meaning as in the *Electricity Act, 1998*; (“installation d’évaluation du potentiel en énergie renouvelable”)

“renewable energy testing project” has the same meaning as in the *Electricity Act, 1998*; (“projet d’évaluation du potentiel en énergie renouvelable”)

“renewable energy undertaking” means a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project; (“entreprise d’énergie renouvelable”)

“residential unit” means a unit that,

- (a) consists of a self-contained set of rooms located in a building or structure,

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- (b) is used or intended for use as residential premises, and
- (c) contains kitchen and bathroom facilities that are intended for the use of the unit only. (“unité d’habitation”)

“specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)
- (i) NAV Canada,
- (j) the owner or operator of an airport as defined in subsection 3 (1) of the *Aeronautics Act (Canada)* if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,
- (k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the *Aggregate Resources Act*, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,
- (l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the *Environmental Protection Act* if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,
- (m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the *Environmental Protection Act*, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or
- (n) the owner of any land described in clause (k), (l) or (m);

“Tribunal” means the Ontario Land Tribunal; (“Tribunal”)

“upper-tier municipality without planning responsibilities” means any of the following upper-tier municipalities:

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1) of the Act is amended by adding the following paragraph: (See: 2024, c. 16, Sched. 12, s. 1 (4))**

~~0.1 The County of Simcoe.~~

0.1 The County of Simcoe in relation to lands in the Town of Bradford West Gwillimbury, the Town of Innisfil and the Town of New Tecumseth.

0.1.1 The County of Simcoe in relation to the lands in the prescribed lower-tier municipalities in the County of Simcoe.

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0.1.2 The County of Simcoe in relation to lands in any lower-tier municipality in the County of Simcoe not mentioned in paragraph 0.1 and not prescribed for the purposes of paragraph 0.1.1.

0.2 The Regional Municipality of Durham.

1. The Regional Municipality of Halton.

1.1 The Regional Municipality of Niagara.

2. The Regional Municipality of Peel.

2.1 The Regional Municipality of Waterloo.

3. The Regional Municipality of York.

4. Any other upper-tier municipality that is prescribed under subsection (6); (“municipalité de palier supérieur sans responsabilités en matière d’aménagement”)

“upper-tier municipality with planning responsibilities” means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities. (“municipalité de palier supérieur avec responsabilités en matière d’aménagement”) R.S.O. 1990, c. P.13, s. 1; 1994, c. 23, s. 3 (2); 1996, c. 4, s. 1 (1-3); 2002, c. 17, Sched. B, s. 1; 2004, c. 18, s. 1; 2006, c. 23, s. 1 (1-4); 2009, c. 12, Sched. K, s. 1; 2009, c. 12, Sched. L, s. 19; 2015, c. 26, s. 11 (1); 2017, c. 23, Sched. 3, s. 1; 2017, c. 23, Sched. 5, s. 79; 2018, c. 16, s. 8 (1-3); 2019, c. 1, Sched. 4, s. 45; 2021, c. 4, Sched. 6, s. 80 (2); 2022, c. 21, Sched. 9, s. 1 (1, 2); 2023, c. 10, Sched. 6, s. 1 (1); 2024, c. 16, Sched. 12, s. 1 (1-3, 5-7).

### 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.~~

16 (1) An official plan must contain the chapters, sections and schedules, and use only the land use designations, described in Schedule 1.

#### **If chapter, section, etc. not applicable**

(1.1) If a chapter, section or schedule described in section 1 of Schedule 1 is not applicable to a municipality or planning board, the official plan must include the words “Not applicable” immediately after the number and title of each chapter, section or schedule.

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#### **Optional description of goals, objectives**

1.2) An official plan may, before the first section of each chapter referred to in section 1 of Schedule 1, include a description of the goals and objectives related to the subject matter of that chapter.

#### **Minister's directions**

(2) The Minister may provide a municipality or a planning board with written directions specifying how to comply with subsection (1) and the municipality or planning board shall comply with those directions.

#### **Same, content**

(2.1) Without limiting the generality of subsection (2), the Minister's direction may provide that a land use designation described in section 2 of Schedule 1 may be implemented through the use of two or more sub-designations.

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

(2.2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a written direction provided under subsection (2).

#### **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).

#### **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).

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### **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).

### **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 the delineation of the boundaries of a protected major transit station area identified in accordance with subsection (15) or (16) or the policies described in clause (15) (a) or (16) (a) with respect to the protected major transit station area.

~~4 . 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); 2025, c. 14, Sched. 10, s. 2 (1).~~

### **~~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~~

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~~—(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. 2025, c. 14, Sched. 10, s. 2 (2).~~

#### **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.

#### **Transition re official plan framework**

##### **Definitions**

**16.0.1 (1) In this section,**

**“former official plan framework” means subsections 16 (1) and (2), as they read immediately before the day subsection 2 (1) of Schedule 7 of the *Building Homes and Improving Transportation Infrastructure Act, 2026* came into force; (“ancien cadre du plan officiel”)**

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“new official plan framework” means subsections 16 (1) to (2.2), as they read on or after the day subsection 2 (1) of Schedule 7 of the *Building Homes and Improving Transportation Infrastructure Act, 2026* comes into force. (“nouveau cadre du plan officiel”)

**Timing of transition**

(2) The former official plan framework continues to apply to a municipality or planning board until the day on which a new official plan or a revision of the official plan under section 26 that is adopted after the applicable transition date mentioned in subsection (3) comes into effect.

**Transition dates**

(3) For the purposes of subsection (2), the transition date is,

(a) January 1, 2028 for the municipalities listed in Column 1 of Table 1 to this subsection; or

(b) January 1, 2029 for all planning boards and the municipalities not listed in Column 1 of Table 1 to this subsection.

**TABLE 1**

Item	Column 1
1.	City of Barrie
2.	City of Brampton
3.	City of Brantford
4.	City of Burlington
5.	City of Cambridge
6.	City of Guelph
7.	City of Hamilton
8.	City of Kingston
9.	City of Kitchener
10.	City of London
11.	City of Markham
12.	City of Mississauga
13.	City of Niagara Falls
14.	City of Oshawa
15.	City of Ottawa
16.	City of Pickering
17.	City of Richmond Hill
18.	City of St. Catharines
19.	City of Toronto
20.	City of Vaughan
21.	City of Waterloo
22.	City of Windsor
23.	Municipality of Clarington
24.	Town of Ajax
25.	Town of Caledon
26.	Town of Milton
27.	Town of Newmarket
28.	Town of Oakville
29.	Town of Whiby

.....  
**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).

.....

**Action by approval authority**

(34) The approval authority may confer with any person or public body that it considers may have an interest in the plan and may,

- (a) approve, modify and approve as modified or refuse to approve a plan; or
- (b) approve, modify and approve as modified or refuse to approve part or parts of the plan. 1996, c. 4, s. 9.

**Exception, non-conforming lower-tier plan**

(34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's official plan, other than an official plan that is the subject of an order under subsection (6), if the plan ~~lower tier municipality's plan if the plan~~ or any part of it does not, in the approval authority's opinion, conform with,

- (a) the upper-tier municipality's official plan;
- (b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
- (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6); 2019, c. 9, Sched. 12, s. 3 (6).

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**Public works and by-laws to conform with plan**

**24** (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

**Exception**

(1.1) Subsection (1) does not apply to a by-law adopting an official plan or official plan amendment that is the subject of an order under subsection 17 (6).

**Pending amendments**

(2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. 2006, c. 23, s. 12.

**Same**

(2.1) A by-law referred to in subsection (2),

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- (a) shall be conclusively deemed to have conformed with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect; and
- (b) is of no force and effect, if the amendment to the official plan does not come into effect. 2006, c. 23, s. 12.

**Preliminary steps that may be taken where proposed public work would not conform with official plan**

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. R.S.O. 1990, c. P.13, s. 24 (3).

**Deemed conformity**

(4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 2017, c. 23, Sched. 5, s. 90.

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

1994, c. 23, s. 16 (2) - 28/03/1995; 1996, c. 4, s. 14 (1, 2) - 22/05/1996; 1999, c. 12, Sched. M, s. 24 - 22/12/1999  
2006, c. 23, s. 12 - 01/01/2007  
2017, c. 23, Sched. 5, s. 90 - 03/04/2018

**Amendments to conform to official plan**

**27** (1) [Subject to subsections \(5\) and \(6\)](#) the council of a lower-tier municipality shall amend every official plan and every by-law passed under section 34, or a predecessor of it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality. 2002, c. 17, Sched. B, s. 7.

**Failure to make amendments**

(2) If the official plan of an upper-tier municipality comes into effect as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year from the day the plan comes into effect as the official plan, the council of the upper-tier municipality may amend the official plan of the lower-tier municipality or zoning by-law, as the case may be, 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. 2002, c. 17, Sched. B, s. 7.

**Deemed by-law**

(3) An amending by-law passed under subsection (2) by the council of an upper-tier municipality shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended. 2002, c. 17, Sched. B, s. 7.

**Conflicts**

(4) In the event of a conflict between the official plan of an upper-tier municipality and the official plan of a lower-tier municipality, the plan of the upper-tier municipality prevails to the extent of the conflict but in all other respects the official plan of the lower-tier municipality remains in effect. 2002, c. 17, Sched. B, s. 7.

**Exception**

[\(5\) Subsections \(1\) to \(4\) do not apply to a prescribed lower-tier municipality.](#)

**Non-application of upper-tier official plan**

[\(6\) The official plan of an upper-tier municipality does not apply in a lower-tier municipality prescribed for the purposes of subsection \(5\).](#)

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

2002, c. 17, Sched. B, s. 7 - 01/01/2003  
.....

**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.

**Loading or parking facilities**

6. Subject to subsection (1.1) or (1.1.1), 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).

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### **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).

### **Same**

(1.1.1) 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 electric vehicle supply equipment in connection with parking facilities.

### **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. 2025, c. 14, Sched. 10, s. 4 (1).

### **Same**

(1.3.2) Subsection (1.3.1) does not apply to a minimum setback distance. 2025, c. 14, Sched. 10, s. 4 (1).

### **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. 2025, c. 14, Sched. 10, s. 4 (1).

### **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 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); 2025, c. 14, Sched. 10, s. 4 (2).

### **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. 2025, c. 14, Sched. 10, s. 4 (3).

#### **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).~~

#### **Restriction, minimum area of parcel**

(3.1) Despite subsection (3), the authority to pass a by-law under this section does not include the authority to pass a by-law that requires the minimum area of a parcel of urban residential land that is not in the Greenbelt Area to be greater than the prescribed area.

#### **Provisions of no effect**

(3.2) 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 (3.1).

#### **Same, minimum frontage and depth**

(3.3) A provision of a by-law passed under this section or an order made under clause 47 (1) (a) regulating the minimum frontage or minimum depth of a parcel of land is of no effect to the extent that it would require a parcel to which subsection (3.1) applies to be larger than the area prescribed for the purposes of that subsection.

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#### **Site plan control area**

41 (1) In this section,

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“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

### **Exception**

(1.1) The definition of “development” in subsection (1) does not include the placement of a portable classroom on a school site of a district school board. 2006, c. 23, s. 16 (1); 2025, c. 9, Sched. 7, s. 7 (1).

### **Same**

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area. 2022, c. 21, Sched. 9, s. 11 (1); 2023, c. 10, Sched. 6, s. 9 (1).

### **Land lease community home**

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units. 2022, c. 21, Sched. 9, s. 11 (1).

### **Establishment of site plan control area**

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area. R.S.O. 1990, c. P.13, s. 41 (2).

### **Designation of site plan control area**

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. R.S.O. 1990, c. P.13, s. 41 (3).

### **Consultation**

(3.1) The municipality shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4). 2024, c. 16, Sched. 12, s. 8 (1).

(3.2) REPEALED: 2024, c. 16, Sched. 12, s. 8 (1).

### **Prescribed information**

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality. 2022, c. 12, Sched. 5, s. 7 (1).

### **Other information**

(3.4) Subject to the regulations, a municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2022, c. 12, Sched. 5, s. 7 (1); 2025, c. 9, Sched. 7, s. 7 (2).

### **Refusal and timing**

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

(a) the municipality may refuse to accept or further consider the application; and

(b) the time period referred to in subsection (12) of this section does not begin. 2022, c. 12, Sched. 5, s. 7 (1).

### **Information and material prepared by prescribed professionals**

(3.5.1) The provision of information or material to a municipality in respect of a requirement under subsection (3.3) or (3.4) is deemed to meet the applicable requirement if the information or material is prepared by a person authorized to practise a prescribed profession. 2025, c. 9, Sched. 7, s. 7 (3).

### Response re completeness of application

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be. 2022, c. 12, Sched. 5, s. 7 (1).

### Motion re dispute

(3.7) At any time after the applicant has begun to consult with the municipality before submitting plans and drawings for approval under subsection (4) or after the applicant has paid any fee required under section 69, the applicant or municipality may make a motion for directions to have the Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (3.4) is reasonable. 2024, c. 16, Sched. 12, s. 8 (2).

(3.8) REPEALED: 2024, c. 16, Sched. 12, s. 8 (2).

### Final determination

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review. 2022, c. 12, Sched. 5, s. 7 (1).

### Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following:

1. 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 required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.
2. 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 building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,~~

- (d.1) matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design, if the municipal by-law passed under subsection (2) and the official plan to which the by-law gives effect both include provisions relating to policies described in subsection 16 (4) and both include requirements or standards for exterior access to buildings that will contain affordable housing units;

~~(e) 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, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality; and~~

~~(e) the elements on any adjoining highway under a municipality's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality; and~~

- (f) facilities designed to have regard for accessibility for persons with disabilities. R.S.O. 1990, c. P.13, s. 41 (4); 2002, c. 9, s. 56 (1); 2006, c. 23, s. 16 (3, 4); 2009, c. 33, Sched. 21, s. 10 (9); 2016, c. 25, Sched. 4, s. 5; 2017, c. 23, Sched. 5, s. 80; 2022, c. 12, Sched. 5, s. 7 (2); 2022, c. 21, Sched. 9, s. 11 (2).

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### **Authorized person**

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4). 2022, c. 12, Sched. 5, s. 7 (3).

### **Exclusions from site plan control**

(4.1) The following matters relating to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:

1. 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 subparagraph 2 (d) of subsection (4).~~
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).
3. The manner of construction and standards for construction. 2006, c. 23, s. 16 (5); 2022, c. 21, Sched. 9, s. 11 (3).

### **Same**

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, ~~sustainable design~~ or the protection of adjoining lands. 2022, c. 21, Sched. 9, s. 11 (4).

### **Environmental standards**

(4.1.2) For greater certainty, the manner of construction and standards for construction referred to in paragraph 3 of subsection (4.1) includes standards for the protection or conservation of the environment.

### **Dispute about scope of site plan control**

(4.2) The owner of land or the municipality may make a motion for directions to have the Tribunal determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control. 2017, c. 23, Sched. 5, s. 96.

### **Final determination**

(4.3) The Tribunal's determination under subsection (4.2) is not subject to appeal or review. 2006, c. 23, s. 16 (5); 2017, c. 23, Sched. 5, s. 80.

### **Drawings for residential buildings**

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing fewer than 25 dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required. R.S.O. 1990, c. P.13, s. 41 (5).

### **Proviso**

(6) Nothing in this section shall be deemed to confer on the municipality power to limit the height or density of buildings to be erected on the land. R.S.O. 1990, c. P.13, s. 41 (6); 2022, c. 12, Sched. 5, s. 7 (4).

### **Conditions to approval of plans**

(7) Subject to subsection (9.2) as a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
- 4.1 Facilities designed to have regard for accessibility for persons with disabilities.

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5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
  9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);
- (c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);
- (d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7).

#### **Lapse of approval**

(7.1) Subject to the regulations, in approving the plans and drawings referred to in subsection (4), the authorized person referred to in subsection (4.0.1) may provide that the approval lapses at the expiration of the time period specified by the authorized person, in accordance with subsection (7.2), and the approval shall lapse at the expiration of the time period. However, the approval shall not lapse if, before it has lapsed, a permit is issued under section 8 of the *Building Code Act, 1992* to implement the site plan approval. 2024, c. 16, Sched. 12, s. 8 (3).

#### **Same, time period**

(7.2) For the purposes of subsection (7.1), the time period specified by the authorized person shall not,

- (a) be less than such prescribed time period as may be applicable to the development;
- (b) exceed such prescribed time period as may be applicable to the development; or
- (c) be less than three years, if a prescribed time period under clause (a) or (b) does not apply with respect to the development. 2024, c. 16, Sched. 12, s. 8 (3).

#### **Same, approval**

(7.3) Subject to the regulations, if an authorized person has approved plans or drawings referred to in subsection (4) before the day subsection 8 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, the authorized person may provide that the approval lapses in accordance with subsections (7.1) and (7.2) of this section and, if the authorized person does so, the municipality shall notify the owner of the land of the change to the approval. 2024, c. 16, Sched. 12, s. 8 (3).

#### **Where area is in upper-tier municipality**

(8) If an area designated under subsection (2) is within an upper-tier municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:
  - (i) subject to subsection (9), widenings of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land,

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- (ii) subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs,
  - (iii) [Subject to subsection \(9.2\)](#) where the land abuts a highway under the jurisdiction of the upper-tier municipality, off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,
  - (iv) where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,
  - (v) where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities designed to have regard for accessibility for persons with disabilities;
- (b) enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;
- (c) subject to subsection (9.1), convey part of the land to the upper-tier municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. 2002, c. 17, Sched. B, s. 14 (2); 2006, c. 23, s. 16 (8).

**Limitations on requirement to widen highway**

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. 2022, c. 21, Sched. 9, s. 11 (5).

**Limitations on requirement to convey land**

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan. 2022, c. 21, Sched. 9, s. 11 (6).

**Limitation on requirement re parking facilities**

[\(9.2\) An owner of land may not be required by a municipality, under paragraph 3 of clause \(7\) \(a\), or by an upper-tier municipality, under subclause \(8\) \(a\) \(iii\), to provide electric vehicle supply equipment in connection with off-street vehicular parking facilities.](#)

**Limitation, prescribed matters**

[\(9.3\) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsections \(7\) and \(8\), a municipality may not impose requirements respecting prescribed matters.](#)

**Registration of agreements**

(10) Any agreement entered into under clause (7) (c) or (c.1) or under clause (8) (b) 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. 41 (10); 2002, c. 17, Sched. B, s. 14 (3); 2006, c. 23, s. 16 (9).

**Application of *Municipal Act, 2001* or *City of Toronto Act, 2006***

(11) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the case may be, applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c) or (c.1). R.S.O. 1990, c. P.13, s. 41 (11); 2002, c. 17, Sched. B, s. 14 (4); 2006, c. 23, s. 16 (10); 2006, c. 32, Sched. C, s. 47 (9).

(11.1)-(11.3) REPEALED: 2024, c. 16, Sched. 12, s. 8 (4).

.....

**Conveyance of land for park purposes**

**Definitions**

42 (0.1) In this section,

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“effective date” means July 1, 2016. (“date d’effet”) 2015, c. 26, s. 28 (1); 2020, c. 18, Sched. 17, s. 2 (1); 2022, c. 21, Sched. 9, s. 12 (1).

### **Conveyance**

(1) Subject to subsection (1.1), 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); 2022, c. 21, Sched. 9, s. 12 (2).

### **Same, affordable residential units**

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (3).

### **Exception, non-profit housing development**

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*. 2022, c. 21, Sched. 9, s. 12 (4).

### **Non-application, residential units**

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, 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 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. 12 (5); 2023, c. 10, Sched. 6, s. 10.

### **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. 2020, c. 18, Sched. 17, s. 2 (2).

### **When requirement determined**

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or
- (c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued. 2022, c. 21, Sched. 9, s. 12 (6).

### **Same, if by-law not in effect**

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be. 2022, c. 21, Sched. 9, s. 12 (6).

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### **Same, more than one application**

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1). 2022, c. 21, Sched. 9, s. 12 (6).

### **Exception, time elapsed**

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved. 2022, c. 21, Sched. 9, s. 12 (6).

### **Transition**

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force. 2022, c. 21, Sched. 9, s. 12 (6).

### **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 600 net residential 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); 2022, c. 21, Sched. 9, s. 12 (7).

### **Transition**

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (8).

### **Net residential units**

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (8).

### **Same, affordable residential units**

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2). 2022, c. 21, Sched. 9, s. 12 (9).

### **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. 2020, c. 18, Sched. 17, s. 2 (3).

(3.2) REPEALED: 2022, c. 21, Sched. 9, s. 12 (10).

### **Same, alternative requirement**

(3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,

- (a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
- (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. 2022, c. 12, Sched. 5, s. 8.

### **Deemed amendment of by-law**

(3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3). 2022, c. 12, Sched. 5, s. 8.

### **Transition**

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*. 2022, c. 21, Sched. 9, s. 12 (11).

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### **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).

### **Parks plan**

(4.1) Before passing a by-law under this section, 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); 2022, c. 21, Sched. 9, s. 12 (12).

### **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).

(4.3) REPEALED: 2022, c. 21, Sched. 9, s. 12 (13).

### **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). 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

### **When notice given**

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day. 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

### **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. 2020, c. 18, Sched. 17, s. 2 (4).

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#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Tribunal 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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Notice**

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Powers of Tribunal**

(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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **When Tribunal 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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Refunds if Tribunal 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

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- (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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Limitation of Tribunal 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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **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. 2020, c. 18, Sched. 17, s. 2 (4).

#### **Encumbered land, identification by Minister of Infrastructure**

(4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if,

- (a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*;
- (b) the land is,
  - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; and
- (c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes. 2022, c. 12, Sched. 5, s. 8; 2022, c. 21, Sched. 9, s. 12 (14).

#### **Same, conveyance of described land**

(4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land,

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- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment. 2022, c. 12, Sched. 5, s. 8.

### **Same, non-application of *Legislation Act, 2006*, Part III**

(4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27). 2022, c. 12, Sched. 5, s. 8.

**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: 2022, c. 21, Sched. 9, s. 12 (15))**

### **Identification of land re conveyance to municipality**

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section. 2022, c. 21, Sched. 9, s. 12 (15).

### **Same**

(4.31) Land identified in accordance with subsection (4.30) may include,

- (a) land that is,
  - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
  - (ii) subject to an easement or other restriction, or
  - (iii) encumbered by below grade infrastructure; or
- (b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).

### **Agreement re interest in land**

(4.32) If the municipality intends to accept the conveyance of ~~an interest in land described in clause (4.31) (b)~~ land described in clause (4.31) (a) or an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).

### **Validity of easement**

(4.32.1) If the interest in land described in clause (4.31) (b) is an easement, the easement is valid whether or not the municipality owns appurtenant land or land capable of being accommodated or benefited by the easement.

### **Registration of agreement**

(4.33) An agreement entered into under subsection (4.32) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2022, c. 21, Sched. 9, s. 12 (15).

### **Municipality refuses to accept identified land**

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed. 2022, c. 21, Sched. 9, s. 12 (15).

### **Appeal**

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal. 2022, c. 21, Sched. 9, s. 12 (15).

### **Same**

(4.35.1) An owner of land who has not received a notice under subsection (4.34) within 90 days of identifying land in accordance with subsection (4.30) may, at any time before receiving notice under subsection (4.34), appeal to the Tribunal the municipality's failure to make a decision as to whether to accept the conveyance by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

## **Record**

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection or subsection (4.35.1), the clerk of the municipality shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2022, c. 21, Sched. 9, s. 12 (15).

## **Hearing**

(4.37) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine. 2022, c. 21, Sched. 9, s. 12 (15).

## **Order by Tribunal**

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

- (a) be conveyed to the local municipality for park or other public recreational purposes; and

~~(b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (15).~~

(b) shall be deemed, subject to subsection (4.38.1), to count towards any requirement set out in a by-law passed under this section that is applicable to the development or redevelopment, despite any provision of that by-law.

## **Certain lands to be counted**

(4.38.1) For the purposes of clause (4.38) (b), any land described in clause (4.31) (a) or any interest in land described in clause (4.31) (b) that is conveyed in accordance with clause (4.38) (a) shall be counted towards any requirement set out in the by-law by multiplying the area of such land by a factor of 0.7 or such other larger factor as may be determined by the municipality.

## **Same, interest in land**

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications. 2022, c. 21, Sched. 9, s. 12 (15).

## **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 1,000 net residential units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4); 2022, c. 21, Sched. 9, s. 12 (16).

## **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).

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#### **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. 2025, c. 14, Sched. 10, s. 5 (1).

#### **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. 2025, c. 14, Sched. 10, s. 5 (1).

#### **Publication**

(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. 2025, c. 14, Sched. 10, s. 5 (1).

#### **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.

(1.1)-(1.3) REPEALED: 2025, c. 14, Sched. 10, s. 5 (2).

#### **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.

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#### **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).

#### **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*. 2025, c. 14, Sched. 10, s. 5 (3).

#### **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

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- 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 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~~
  - F. the elements on any adjoining highway under a municipality's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, but only to the extent that such elements are necessary to address matters of health, safety, accessibility or the protection of adjoining lands; 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;
  - (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. 2020, c. 18, Sched. 17, s. 3; 2025, c. 14, Sched. 10, s. 5 (4).

#### **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.

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### **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. 2025, c. 14, Sched. 10, s. 5 (5).

### **Final determination**

(4.9.2) The Tribunal's determination under clause (4.9.1) (b) is not subject to appeal or review. 2025, c. 14, Sched. 10, s. 5 (5).

### **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; 2025, c. 14, Sched. 10, s. 5 (6).

### **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~~[standards for construction](#). 2020, c. 18, Sched. 17, s. 3; 2022, c. 21, Sched. 9, s. 15 (2).

### **Environmental standards**

(4.11.1) For greater certainty, the manner of construction and standards for construction referred to in paragraph 3 of subsection (4.11) includes standards for the protection or conservation of the environment.

### **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.

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#### **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).

#### **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).

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(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).

(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.

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### **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.

### **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.

2025, c. 9, Sched. 7, s. 8 - 05/06/2025; 2025, c. 14, Sched. 10, s. 5 (1-6) - 27/11/2025

### **Consents**

#### **Definition**

**53** (0.1) In this section,

“provisional consent” means a consent given under subsection (1) in respect of which a certificate cannot be issued under subsection (42) because,

- (a) the 20-day period mentioned in subsection (19) has not elapsed,
- (b) any appeals under subsection (19) remain outstanding, or
- (c) conditions have been imposed but have not been fulfilled. 2020, c. 34, Sched. 20, s. 2 (1).

**Same**

(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

**Minister may confer**

(11) The Minister in determining whether a provisional consent is to be given may confer with the persons or public bodies that the Minister considers may have an interest in the application. 1994, c. 23, s. 32.

**Powers**

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (25.1) (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

**Same**

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1). 2022, c. 21, Sched. 9, s. 19 (1).

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**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. REPEALED: 2025, c. 14, Sched. 12, s. 6;
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);

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- 26.1 prescribing a development or one or more classes of development to which subsections 51 (32) and (32.1) do not apply;
- 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);

**30.2 defining any word or expression used in section 1 or 2 of Schedule 1 that is not already defined in this Act.**

- 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; 2025, c. 14, Sched. 12, s. 6.

**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).

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**Transition, upper-tier municipalities without planning responsibilities**

- 70.13** (1) In this section,  
“effective date” means,

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- (a) in respect of an upper-tier municipality referred to in paragraphs 1, 2 and 3 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 15 (1) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, and

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “effective date” in subsection 70.13 (1) of the Act is amended by adding the following clause: (See: 2024, c. 16, Sched. 12, s. 15 (2))**

~~(a.1) in respect of an upper-tier municipality referred to in paragraph 0.1 of the definition of “upper tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 15 (2) of Schedule 12 of the *Cutting Red Tape to Build More Homes Act, 2024* comes into force,~~

(a.1) in respect of an upper-tier municipality referred to in paragraph 0.1 of the definition of “upper tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (1) of Schedule 7 to the *Building Homes and Improving Transportation Infrastructure Act, 2026* comes into force.

(a.1.1) in respect of an upper-tier municipality referred to in paragraph 0.1.1 of the definition of “upper tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (2) of Schedule 7 to the *Building Homes and Improving Transportation Infrastructure Act, 2026* comes into force.

(a.1.2) in respect of an upper-tier municipality referred to in paragraph 0.1.2 of the definition of “upper tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (3) of Schedule 7 to the *Building Homes and Improving Transportation Infrastructure Act, 2026* comes into force.

- (a.2) in respect of an upper-tier municipality referred to in paragraph 0.2 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 15 (3) of Schedule 12 of the *Cutting Red Tape to Build More Homes Act, 2024* comes into force,
- (a.3) in respect of an upper-tier municipality referred to in paragraph 1.1 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 15 (4) of Schedule 12 of the *Cutting Red Tape to Build More Homes Act, 2024* comes into force,
- (a.4) in respect of an upper-tier municipality referred to in paragraph 2.1 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 15 (5) of Schedule 12 of the *Cutting Red Tape to Build More Homes Act, 2024* comes into force,
- (b) in respect of an upper-tier municipality prescribed under subsection 1 (6) as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force. 2022, c. 21, Sched. 9, s. 23; 2024, c. 16, Sched. 12, s. 15 (1, 3-5).

### **Upper-tier official plans**

(2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise. 2022, c. 21, Sched. 9, s. 23.

### **Official plans or amendments not yet in force**

- (3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:
1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
  2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
  3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn't been done before the effective date:
    - i. Giving notice under subsection 17 (23).
    - ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
  4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date. 2022, c. 21, Sched. 9, s. 23.

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**Official plans and amendments in process**

(4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality. 2022, c. 21, Sched. 9, s. 23.

**Requests for amendments to official plan**

(5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality. 2022, c. 21, Sched. 9, s. 23.

**Forwarding of papers and other documents**

(6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5). 2022, c. 21, Sched. 9, s. 23.

**Conflict**

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date. 2022, c. 21, Sched. 9, s. 23.

**Plans of subdivision**

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision. 2022, c. 21, Sched. 9, s. 23.

**Consents**

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent. 2022, c. 21, Sched. 9, s. 23.

**Regulations**

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date. 2022, c. 21, Sched. 9, s. 23.

**Same**

- (11) Without limiting the generality of subsection (10), a regulation made under that subsection may,
- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;
  - (b) for the purpose of subsection (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation. 2022, c. 21, Sched. 9, s. 23.
- .....

**SCHEDULE 1**

**CONTENTS OF AN OFFICIAL PLAN UNDER SUBSECTION 16 (1)**

**Chapters, sections and schedules of official plan**

1. For the purposes of subsection 16 (1), the chapters, sections and schedules of an official plan are the following:

1. A chapter numbered 1 and entitled, “Introduction and How to Use this Plan” that is comprised of the following sections:
  - i. A section numbered 1.1 and entitled “Purpose” that provides information about the purpose of the official plan.
  - ii. A section numbered 1.2 and entitled “Plan Organization” that provides information about the structure of the official plan.
2. A chapter numbered 2 and entitled “Strategic Planning Framework” that is comprised of the following section:
  - i. A section numbered 2.1 and entitled “Provincial and Regional Planning Context” that describes the context for land use planning in the area to which the official plan applies and identifies the Acts and provincial plans that apply to land use planning in the area.
3. A chapter numbered 3 and entitled “Indigenous Engagement” that is comprised of the following section:
  - i. A section numbered 3.1 and entitled “Indigenous Engagement” that identifies the processes through which Indigenous communities will be engaged in implementing the official plan.
4. A chapter numbered 4 and entitled, “Settlement Area Structure and Growth Needs and Management” that is comprised of the following sections:
  - i. A section numbered 4.1 and entitled “Settlement Areas” that contains policies related to areas of settlement, including policies related to the alteration of the boundary of an area of settlement and policies related to areas surrounding and including an existing or planned higher order transit station or stop in an area of settlement.
  - ii. A section numbered 4.2 and entitled “Growth Management” that contains policies related to the management of growth and development.
5. A chapter numbered 5 and entitled “Residential and Mixed Uses” that is comprised of the following sections:
  - i. A section numbered 5.1 and entitled “Housing” that contains policies applicable to residential uses.
  - ii. A section numbered 5.2 and entitled “Mixed Uses” that contains policies applicable to commercial, institutional and other non-residential uses.
6. A chapter numbered 6 and entitled, “Economy and Employment Areas” that is comprised of the following sections:
  - i. A section numbered 6.1 and entitled “Economic Development” that contains policies related to economic development.
  - ii. A section numbered 6.2 and entitled “Employment Uses” that contains policies applicable to employment uses.
7. A chapter numbered 7 and entitled “Rural Areas and Agricultural System” that is comprised of the following sections:
  - i. A section numbered 7.1 and entitled “Rural Areas” that contains policies applicable to uses permitted in rural areas.

ii. A section numbered 7.2 and entitled “Agricultural Land Base” that contains policies applicable to agricultural land uses.

iii. A section numbered 7.3 and entitled “Agri-Food Network” that contains policies related to the infrastructure, services and other assets that support the agri-food sector.

8. A chapter numbered 8 and entitled “Infrastructure, Facilities and Community Services” that is comprised of the following sections:

i. A section numbered 8.1 and entitled “Transportation” that contains policies related to transportation and transit, including policies applicable to development near airports, rail facilities and marine facilities, where some or all such facilities exist in or near the area to which the official plan applies.

ii. A section numbered 8.2 and entitled “Infrastructure Corridors” that contains policies related to existing or planned linear infrastructure, such as a public highway, transit line or gas or oil pipeline, or corridors for such infrastructure.

iii. A section numbered 8.3 and entitled “Public Service Facilities” that contains policies related to facilities for the provision of programs and services provided or subsidized by a government or other public sector organization.

iv. A section numbered 8.4 and entitled “Water and Wastewater” that contains policies related to water and sewage works.

v. A section numbered 8.5 and entitled “Waste Management” that contains policies related to waste management.

vi. A section numbered 8.6 and entitled “Parks and Open Space” that contains policies related to parks and other open space areas.

9. A chapter numbered 9 and entitled “Local Landscape and Resource Management” that is comprised of the following sections:

i. A section numbered 9.1 and entitled “Natural Heritage” that contains policies related to natural heritage features and areas.

ii. A section numbered 9.2 and entitled “Water Resources” that contains policies related to surface water features and ground water features and areas.

iii. A section numbered 9.3 and entitled “Cultural Heritage and Archaeology” that contains policies related to cultural heritage and archaeology.

iv. A section numbered 9.4 and entitled “Mineral Aggregate Resources” that contains policies applicable to areas of identified or potential aggregate deposits.

v. A section numbered 9.5 and entitled “Petroleum, Salt and Mineral Resources” that contains policies applicable to areas of identified or potential petroleum, salt and non-aggregate mineral deposits.

vi. A section numbered 9.6 and entitled “Energy Conservation” that contains policies related to energy conservation.

vii. A section numbered 9.7 and entitled “Waterfronts and Shorelines” that contains policies applicable to areas near water bodies.

viii. A section numbered 9.8 and entitled “Natural Hazards” that contains policies related to natural hazards.

ix. A section numbered 9.9 and entitled “Human-made Hazards” that contains policies related to human-made hazards.

10. A chapter numbered 10 and entitled “Implementation and Interpretation” that is comprised of the following sections:

i. A section numbered 10.1 and entitled “Land Use Designations” that contains policies related to the use of the land use designations described in section 2 of this Schedule in the official plan.

ii. A section numbered 10.2 and entitled “Processes” that contains policies related to the processes that will be used in implementing, maintaining and updating the official plan.

iii. A section numbered 10.3 and entitled “Implementation Tools” that contains policies related to the instruments and other tools that will be used to implement the official plan.

iv. A section numbered 10.4 and entitled “Definitions” that provides definitions for terms used in the official plan.

11. A chapter numbered 11 and entitled “Schedules” that is comprised of the following schedules:

i. A schedule numbered 11.1 and entitled “Schedule A1: Settlement Boundaries, Urban/Rural Structure and Provincial Plans” that comprises one or more maps identifying the boundaries of areas of settlement and any area that is the subject of a provincial plan.

ii. A schedule numbered 11.2 and entitled “Schedule A2: Strategic Growth Areas and Intensification Areas” that comprises one or more maps identifying lands in the area to which the official plan applies that are identified as a focus for accommodating growth.

iii. A schedule numbered 11.3 and entitled “Schedule A3: Land Use Designations” that comprises one or more maps identifying the land use designations applicable to lands in the area to which the official plan applies.

iv. A schedule numbered 11.4 and entitled “Schedule B1: Transportation and Corridors” that comprises one or more maps identifying the transportation system in the area to which the official plan applies.

v. A schedule numbered 11.5 and entitled “Schedule B2: Infrastructure” that comprises one or more maps identifying the existing and planned infrastructure in the area to which the official plan applies.

vi. A schedule numbered 11.6 and entitled “Schedule B3: Public Service Facilities, Parks and Open Space” that comprises one or more maps identifying the existing and planned facilities for the provision of programs and services provided or subsidized by a government or other body, and identifying parks and other open space areas.

vii. A schedule numbered 11.7 and entitled “Schedule C1: Natural Environment” that includes one or more maps identifying the natural heritage features and areas in the area to which the official plan applies.

viii. A schedule numbered 11.8 and entitled “Schedule C2: Water Resources” that includes one or more maps identifying water resource systems and vulnerable areas for the protection of drinking water sources in the area to which the official plan applies.

ix. A schedule numbered 11.9 and entitled “Schedule C3: Resource Potential” that comprises one or more maps identifying the known and potential areas of mineral, petroleum and aggregate resources in the area to which the official plan applies.

x. A schedule numbered 11.10 and entitled “Schedule C4: Natural and Human-made Hazards” that includes one or more maps identifying the lands in the area to which the official plan applies that could be unsafe for development due to natural hazards or human-made hazards.

#### Land use designations

2. For the purposes of subsection 16 (1), the land use designations to be used in an official plan are the following:

1. A “Neighbourhoods” designation within which the following land uses must be authorized:

i. Residential uses.

ii. Small-scale commercial uses.

iii. Institutional uses, including cemetery uses.

iv. Such other uses as may be prescribed.

2. A “Mixed Use Areas” designation within which the following land uses shall be authorized:

i. Residential uses.

ii. Commercial uses.

iii. Institutional uses, including cemetery uses.

iv. Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects.

v. Such other uses as may be prescribed.

3. A “Mixed Use Commercial Areas” designation within which the land uses described in paragraph 2 shall be authorized, but only if they are not sensitive land uses.

4. An “Employment Areas” designation within which the land uses referred to in paragraph 1 of the definition of “area of employment” in subsection 1 (1) shall be authorized.

5. A “Major Facilities” designation within which the following land uses shall be authorized:

i. Manufacturing uses.

ii. Industrial uses.

iii. Infrastructure uses.

iv. Such other uses as may be prescribed.

6. A “Parks and Open Spaces” designation within which the following land uses shall be authorized:

i. Recreational uses.

ii. Cemetery uses.

iii. Such other uses as may be prescribed.

7. A “Natural Environment and Water Resource Areas” designation within which the following land uses shall be authorized:

i. Conservation uses.

ii. Such other uses as may be prescribed.

8. A “Resource Areas” designation within which the following land uses shall be authorized:

i. Resource extraction uses.

ii. Such other uses as are prescribed.

9. A “Rural Lands” designation within which the following land uses shall be authorized:

i. Residential uses.

ii. Small-scale commercial uses.

iii. Small-scale industrial uses.

iv. Agricultural uses.

v. Agriculture-related uses.

vi. On-farm diversified uses.

vii. Resource management uses.

viii. Resource-based recreational uses.

ix. Cemetery uses.

x. Such other uses as may be prescribed.

10. A “Prime Agricultural Areas” designation within which the following land uses shall be authorized:

i. Agricultural uses.

ii. Agriculture-related uses.

iii. On-farm diversified uses.

iv. Such other uses as may be prescribed.

11. A “Specialty Crop Areas” designation within which the following land uses shall be authorized:

i. Agricultural uses.

ii. Agriculture-related uses.

iii. On-farm diversified uses.

iv. Such other uses as may be prescribed.

12. A “Shoreline Areas” designation within which the following land uses shall be authorized:

i. Marina uses.

ii. Recreational uses.

iii. Residential uses.

iv. Such other uses as may be prescribed.

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