

Regulation - Minister

Appendix A

Proposed new regulation under the Planning Act to prescribe transitional provisions for the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139)

Regulation Number(s): Bill 139

Bill or Act: Bill 139

Summary of Proposal: Bill 139 - the proposed Building Better Communities and Conserving Watersheds Act, 2017 was introduced on May 30, 2017. The Bill proposes to make changes to the Planning Act and introduce new legislation to replace the Ontario Municipal Board Act with the Local Planning Appeal Tribunal Act to give communities a stronger voice in land use planning.

If Bill 139 is passed by the Legislature and receives Royal Assent, the proposed transition regulation would set out rules for planning matters in process at the time of proclamation of the Bill 139 changes to the Planning Act and would provide certainty regarding the processing and decision-making on planning matters. Changes to the Planning Act through Bill 139 not addressed in the proposed transition regulation would apply immediately upon the coming into force of those changes.

Proposed Content:

It is proposed that the application of the Bill 139 changes identified below be transitioned as follows:

- Removing appeals of provincial approvals of official plans and official plan updates, including for conformity exercises to provincial plans - these provisions would apply to provincial decisions in respect of which notice is given after the Bill comes into force;

- Restricting the grounds of appeal of a decision on an official plan/amendment or zoning by-law/amendment to consistency and/or conformity with provincial and/or local plans would apply to:

- appeals of decisions on those matters in respect of which notice is given after the Bill comes into force (i.e., appeals made during appeal periods that begin after the Bill comes into force); and

- appeals of decisions made before proclamation in respect of:

- complete applications made after Royal Assent
- municipally-initiated official plan amendments that are adopted after Royal Assent; and
- municipally-initiated zoning by-law amendments that are passed after Royal Assent;

- Restricting the grounds of a non-decision appeal on an application for an official plan amendment or zoning by-law amendment to consistency and/or, conformity with provincial and/or local plans would apply to:

- appeals of non-decisions made after the Bill comes into force; and

- appeals of non-decisions made before proclamation in respect of complete applications made after Royal Assent;


- The removal of mandatory referrals of Minister's zoning orders would apply to requests to refer made after the Bill comes into force;

- The removal of appeals (other than by the province) of interim control by-laws when first passed (for a period of up to 1 year) would apply to decisions made after the Bill comes into force;

- The restriction on the ability to amend secondary plans for 2 years following their approval, unless allowed by council, would apply to applications for amendments to secondary plans that come into effect after the Bill comes into force;

- The extension for decision timelines on applications for official plan amendments and zoning by-law amendments would apply to complete

applications submitted after Royal Assent and the extension for decision timelines for approval authorities on adopted official plans/amendments would apply to official plans/amendments adopted after Royal Assent.

Further Information:  [Link to Environmental Registry](#)

Proposal Number: 17-MMA021

Posting Date: December 7, 2017

Comments Due Date: January 21, 2018

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Regulation Proposal Notice:

Title:

Proposed new regulation under the Planning Act to prescribe transitional provisions for the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139)

EBR Registry Number:

013-1788

Ministry:

Ministry of Municipal Affairs and Housing

Date Proposal loaded to the Registry:

December 07, 2017

Keyword(s): Land use planning

Regulation: Bill 139

Comment Period: 45 days: submissions may be made between December 07, 2017 and January 21, 2018.

Description of Regulation:

Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017 was introduced on May 30, 2017. The Bill proposes to make changes to the Planning Act and introduce new legislation to replace the Ontario Municipal Board Act with the Local Planning Appeal Tribunal Act to give communities a stronger voice in land use planning.

If Bill 139 is passed by the Legislature and receives Royal Assent, the proposed transition regulation would set out rules for planning matters in process at the time of proclamation of the Bill 139 changes to the Planning Act and would provide certainty regarding the processing and decision-making on planning matters. Changes to the Planning Act through Bill 139 not addressed in the proposed transition regulation would apply immediately upon the coming into force of those changes.

Proposed Content:

It is proposed that the application of the Bill 139 changes identified below be transitioned as follows:

-Removing appeals of provincial approvals of official plans and official plan updates, including for conformity exercises to provincial plans – these provisions would apply to provincial decisions in respect of which notice is given after the Bill comes into force;

-Restricting the grounds of appeal of a decision on an official plan/amendment or zoning by-law/amendment to consistency and/or conformity with provincial and/or local plans would apply to:

- appeals of decisions on those matters in respect of which notice is given after the Bill comes into force (i.e., appeals made during appeal periods that begin after the Bill comes into force); and
- appeals of decisions made before proclamation in respect of:
 - complete applications made after Royal Assent
 - municipally-initiated official plan amendments that are adopted after Royal Assent; and
 - municipally-initiated zoning by-law amendments that are passed after Royal Assent;

Contact:

All comments on this proposal must be directed to:

Ken Petersen
Manager
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (855) 776-8011

To submit a comment online, click the submit button below:

[Submit Comment](#) (opens in new window)

Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents

-Restricting the grounds of a non-decision appeal on an application for an official plan amendment or zoning by-law amendment to consistency and/or, conformity with provincial and/or local plans would apply to:

- appeals of non-decisions made after the Bill comes into force; and
- appeals of non-decisions made before proclamation in respect of complete applications made after Royal Assent;

-The removal of mandatory referrals of Minister's zoning orders would apply to requests to refer made after the Bill comes into force;

-The removal of appeals (other than by the province) of interim control by-laws when first passed (for a period of up to 1 year) would apply to decisions made after the Bill comes into force;

-The restriction on the ability to amend secondary plans for 2 years following their approval, unless allowed by council, would apply to applications for amendments to secondary plans that come into effect after the Bill comes into force;

-The extension for decision timelines on applications for official plan amendments and zoning by-law amendments would apply to complete applications submitted after Royal Assent and the extension for decision timelines for approval authorities on adopted official plans/amendments would apply to official plans/amendments adopted after Royal Assent.

Purpose of Regulation:

The purposes of this Notice are:

1. To inform the public, stakeholders and municipalities of Ontario that the province is considering a new regulation under the Planning Act;
2. To provide the basic outline of the proposed new regulation; and
3. To provide 45 days for the public, stakeholders and municipalities of Ontario to comment on the proposed new regulation by directing their written concerns to the contact persons noted below.

Public Consultation:

This proposal has been posted for a 45 day public review and comment period starting December 07, 2017. If you have any questions, or would like to submit your comments, please do so by January 21, 2018 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to January 21, 2018 will be considered as part of the decision-making process by the Ministry if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 013-1788.

Please Note: All comments and submissions received will become part of the public record. Comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Your personal information may be used in the decision making process on this proposal and it may be used to contact you if clarification of your comment is required. It may be shared (along with your comment) with other Ontario Ministries for use in the decision making process. Questions about this collection should be directed to the contact mentioned on the Proposal Notice page.

Other Public Consultation Opportunities:

please call the Ministry Contact or the Office listed below.

Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (877) 711-8208

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window

1. [Bill 73, Smart Growth for Our Communities Act, 2015](#)

2. [Planning Act](#)

3. [EBR Registry Number: 013-1790](#)

Comments should be directed to the following Contact Person:

Ken Petersen, Manager
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, Ontario, M5G 2E5
PHONE: 1-855-776-8011

In addition to this EBR posting, comments can be submitted electronically to OMBReview@ontario.ca

All comments will be considered as part of the decision-making by the Ministry if they:

- a. are submitted in writing;
- b. reference the EBR Registry number; and
- c. are received by the Contact person within the specified comment period.

Please Note: No acknowledgment or individual response will be provided to those who comment. All comments and submissions received will become part of the public record.

Please note that the following notices are related to this posting:

[EBR Registry Posting Number 013-1790: Proposed amendments to matters included in existing regulations under the Planning Act relating to the Building Better Communities and Conserving Watersheds Act, 2017 \(Bill 139\)](#)

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