


Proposal

Appendix B

Proposed Regulations under the Proposed Local Planning Appeal Tribunal Act, 2017**Regulation Number(s):** 139**Bill or Act:** Bill 139

Summary of Proposal: If passed, Bill 139 would enact the Local Planning Appeal Tribunal Act, 2017 (the Act), which would repeal and replace the Ontario Municipal Board Act and continue the Ontario Municipal Board as the Local Planning Appeal Tribunal (the Tribunal). The Minister may make regulations governing the practices and procedures of the Tribunal, prescribing timelines for appeals to the Tribunal under the Planning Act, and providing for transitional matters for proceedings that were commenced before or after the proposed Act comes into force. The Ministry of the Attorney General is proposing to make regulations under the Act, if passed, with respect to: Transition rules for matters and proceedings that come to the Tribunal under the Planning Act; Timelines for proceedings before the Tribunal under the Planning Act; Time limits for submissions at oral hearings for major land use planning appeals before the Tribunal; and The practices and procedures of the Tribunal in respect of major land use planning appeals.

Further Information:  [Proposed Regulations under the Proposed Local Planning Appeal Tribunal Act 2017](#) (Download Adobe Reader)

Proposal Number: 17-MAG011**Posting Date:** December 7, 2017**Comments Due Date:** January 21, 2018

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Regulatory Registry Posting

Proposed Regulations under the Proposed Local Planning Appeal Tribunal Act, 2017

Bill or Act: Bill 139 - An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts

Summary of the Proposal:

If passed, Bill 139 would enact the Local Planning Appeal Tribunal Act, 2017 (the Act), which would repeal and replace the *Ontario Municipal Board Act* and continue the Ontario Municipal Board as the Local Planning Appeal Tribunal (the Tribunal). Section 43 of the proposed Act provides that the Minister may make regulations governing the practices and procedures of the Tribunal, prescribing timelines for appeals to the Tribunal under the *Planning Act*, and providing for transitional matters for proceedings that were commenced before or after the proposed Act comes into force.

The Ministry of the Attorney General is proposing to make regulations under the Act, if passed, with respect to:

- Transition rules for matters and proceedings that come to the Tribunal under the *Planning Act*;
- Timelines for proceedings before the Tribunal under the *Planning Act*;
- Time limits for submissions at oral hearings for major land use planning appeals before the Tribunal; and
- The practices and procedures of the Tribunal in respect of major land use planning appeals.

Transition

The following transition rules in respect of matters and proceedings that come to the Tribunal under the *Planning Act* are proposed:

- The new process set out in the proposed Act for appeals of a municipality or an approval authority's decision in respect of an official plan or zoning by-law described in subsection 38 (1) of the proposed Act would apply to:

- appeals made during appeal periods that begin after the proposed Act comes into force; and
- appeals made before the proposed Act comes into force in respect of,
 - complete applications made to a municipality or an approval authority after Bill 139 receives 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.
- The new process set out in the proposed Act for appeals of a municipality's failure to make a decision in respect of an official plan or zoning by-law described in subsection 38 (1) of the proposed Act would apply to:
 - appeals made after the proposed Act comes into force; and
 - appeals made before the proposed Act comes into force in respect of complete applications made to a municipality or an approval authority after Bill 139 receives Royal Assent.
- The new process set out in the proposed Act for appeals of an approval authority's failure to make a decision in respect of an official plan or plan of subdivision described in subsection 38 (2) of the proposed Act would apply to appeals made after the proposed Act comes into force.

Timelines

The following overall timelines for proceedings before the Tribunal in relation to appeals under the *Planning Act* are proposed:

- Ten (10) months for appeals of a municipality or approval authority's decision or a municipality's failure to make a decision in respect of an official plan or zoning by-law described in subsection 38 (1) of the proposed Act.
- Six (6) months for appeals of:

- a new decision of a municipality or an approval authority in respect of an official plan or zoning by-law, where the Tribunal determined that the municipality or approval authority's original decision was inconsistent with a policy statement issued under the *Planning Act*, failed to conform with or conflicted with a provincial plan, or failed to conform with an applicable official plan and gave the municipality or approval authority an opportunity to make a new decision.
- a municipality or approval authority's failure to make a new decision in respect of an official plan or zoning by-law, where the Tribunal determined that the municipality or approval authority's original decision was inconsistent with a policy statement issued under the *Planning Act*, failed to conform with or conflicted with a provincial plan, or failed to conform with an applicable official plan and gave the municipality or approval authority an opportunity to make a new decision.
- Twelve (12) months for appeals of an approval authority's failure to make a decision in respect of an official plan or plan of subdivision described in subsection 38 (2) of the proposed Act.
- Six (6) months for any other proceeding before the Tribunal under the *Planning Act* (e.g. minor variances).

It is proposed that the time for a proceeding begin from the date the proceeding is received and validated by the Tribunal.

It is also proposed that, for the purposes of calculating the time for a proceeding, any of the following periods of time would be excluded from the calculation:

- Any period of time occurring during an adjournment of the proceeding if,
 - the adjournment is granted by the Tribunal on the consent of the two or more parties for the purposes of mediation, or
 - the adjournment is necessary, in the opinion of the Tribunal, to secure a fair and just determination of the appeal.
- Any period of time during a stay of the appeal before the Tribunal is granted by the Divisional Court.

Time Limits for Submissions at Oral Hearings

At an oral hearing of an appeal of a municipality or approval authority's decision or a municipality's failure to make a decision in respect of an official plan or zoning by-law described in subsection 38 (1) of the proposed Act, it is proposed that each party would have a maximum of 75 minutes to make a submission (i.e. presentation) to the Tribunal.

At an oral hearing of an appeal of an approval authority's failure to make a decision in respect of an official plan or plan of subdivision described in subsection 38 (2) of the proposed Act, it is proposed that each party would have a maximum of 75 minutes to make a submission to the Tribunal and other persons identified by the Tribunal as participants would each have 25 minutes to make a submission to the Tribunal.

It is proposed that the Tribunal would have discretion to increase the time limits where, in the opinion of the Tribunal, it is necessary for a fair and just determination of the appeal.

Practices and Procedures

It is proposed that, for appeals described in subsections 38 (1) and (2) of the proposed Act, the examination of a party or any other person, other than by the Tribunal, would be prohibited.

Further Information: [Bill 139, Building Better Communities and Conserving Watersheds Act, 2017](#)
[Planning Act](#)