

PROVINCE INTRODUCES PLANNING ACT REFORMS

John Gerretsen, Minister of Municipal Affairs, has introduced Bill 26, the *Strong Communities (Planning Amendment) Act, 2003*. It proposes a series of amendments to the *Planning Act*, which would grant the province a greater degree of control over land use change decisions.

The changes include:

- requiring that *Planning Act* decisions “be consistent with” the Provincial Policy Statement, instead of having “regard for” it;
- the ability of the province to declare a provincial interest in official plan and zoning by-law amendment cases before the Ontario Municipal Board. In such cases, the decision of the Board would not become final and binding until the Lieutenant Governor in Council (Cabinet) had reviewed it. Cabinet would have the power to confirm, vary or rescind the Board decision.

Urban expansions

The legislation also prohibits appeals to the Ontario Municipal Board on official plan amendment or zoning applications where the expansion of an urban settlement boundary or establishment of a new urban settlement area within a municipality is proposed.

“Urban settlement area” is broadly defined to include “urban areas, urban

policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas”.

This definition can be changed by way of regulation.

Transition provisions

The legislation does not specifically set out how transitional applications will be treated. Instead, it proposes that power will be given to the Minister of Municipal Affairs to make regulations providing for “transitional matters” respecting matters and proceedings that were commenced before the Act came into force.

These regulations may be retroactive to the date that the Act comes into force, and may determine which applications and hearings will be allowed to proceed under the current *Planning Act*, and which will be subject to the new legislation.

Appeal Periods

The Act also changes appeal periods under the *Planning Act*. The proposed periods are:

- 180 days for official plan amendments and subdivision applications;
- 120 days for zoning applications and applications to lift holding provisions;
- 90 days for applications for consent to sever;
- appeals for failure to hold a public meeting within 45 days for official plan amendment applications will no longer be allowed.

A copy of the legislation as introduced in the House today is attached. For specific advice, please contact one of our lawyers:

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