



April 3, 2007



Bill 51

Planning and Conservation
Land Statute Law
Amendment Act, 2006

Growth and
Development

Presented to
Planning Committee

Bill 51

- Bill 51 is the “Planning and Conservation and Land Statute Amendments Act, 2006”.
- Consists of amendments to the Planning Act.
- Also contains amendments to several other Acts, including amendments to the Conservation Lands Act.



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Planning and Conservation Land
Statute Law Amendment Act, 2006



Proclamation

- Received third reading on October 12, 2006 and Royal Assent on October 19, 2006.
- Much of the Act came into effect on January 1, 2007.
- A number of Regulations made under the Act also came into effect at the same time and more are to follow.

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Expanded List of Provincial Interests

- The list of matters of Provincial interest in Section 2 of the Planning Act is expanded to promote developments that are:
 - Sustainable
 - Supports public transit and to be oriented to pedestrians
 - These interests are already reflected in the current version of the Provincial Policy Statement (PPS).



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Consistent with the PPS

- Requirement that planning decisions are to be consistent with the PPS has been in effect since March 1, 2005.
- Bill 51 clarifies that such decisions are to be consistent with the PPS *that are in effect on the date of the decision*. And all applications need to declare whether they are consistent with PPS policies.
- There is a similar clause regarding conformity with provincial plans, although none is in effect in Northern Ontario at this time.



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Regard to Municipal Decision

- When an approval authority or the OMB makes a decision on planning matters, it should have regard for the original decision made by the municipal council/approval authority,
- and the supporting information that was considered when that original decision was made.

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Complete Application (1)

- The new Regulations contain an expanded list of information and materials that are to be submitted with an application.
 - the requirement for a servicing options report and a hydrogeological report for most developments without municipal services.
 - For plans of subdivision, an archaeological assessment is required if development is to take place on lands with archaeological potential or known resources.

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Complete Application (2)

- Council may also require other information beyond that stipulated by Regulations where the Official Plan contains such policies.
- Until all required information is received, Council may refuse to accept or further consider the application.
- Once all required information is received and application fee paid, the municipality must, within 30 days, notify the applicant that the application is complete.
- Within 15 days following that notice to the applicant, the municipality must also notify the public and prescribed public bodies of the application.

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Complete Application (3)

- Where the municipality determines that an application is incomplete, it must also notify the applicant within 30 days.
- Within 30 days of this negative notice, either the applicant or the municipality can make a motion to have the Ontario Municipal Board provide direction to settle disagreements between the two parties with regards to the completeness of the application.

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Consultation with the Applicant

- Requires municipality to permit applicants to consult with the municipality before submitting applications. (This is the current practice in Greater Sudbury already.)
- Bill 51 also allows the municipality to require, by by-law, applicants to consult with the municipality.
- These provisions can be found under OPA, rezoning, site plan, and subdivision approval.

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Information for the Public

- One key tenet of Bill 51 is to provide more information to the public and more opportunities for public involvement in the planning process.
- To this end, it stipulates that “Information and materials that are required to be provided to a municipality or approval authority under this Act shall be made available to the public.” (Sec. 1.0.1 of Act)
- Such information is to be made available to the public within 15 days following the notice of complete application to the applicant

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Planning Procedure Review

- Staff report and options related to revising the City's planning procedures, is planned for April
- Bill 51 requirements will be addressed
- Practices in other municipalities highlighted
- City approach proposed and discussed

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Refusal to Approve an Application

- In cases where Planning Committee/Council decide not to approve an application...
- It is now necessary to provide the reasons for the refusal in the decision.

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Public Meeting and Open House (1)

- Notices need to be made no less than 20 days prior to the public meeting, same as current requirements.
- The OP may adopt alternate notification procedures to replace the standard procedure.

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Public Meeting and Open House (2)

- For the five-year reviews of Official Plan under Section 26(1) of the Act, as well as an amendment to the zoning by-law following such a revision, at least one open house must be held. This is in addition to the normal requirement for a public meeting.
- Such open house must be held no later than 7 days before the public meeting.
- Notification procedures stipulated in the Act must be followed even if the OP contains alternate procedures for other amendments.



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Five-Year Review of the Official Plan

- Section 26 of the Planning Act is completely revised and expanded to require a municipality to review the Official Plan every five years to ensure that it:
 - Conforms with provincial plans
 - Has regard to the matters of provincial interest listed in Section 2 of the Planning Act
 - Is consistent with the PPS
 - Confirms or amends policies/designations re: areas of employment

Must amend all zoning by-laws within three years to ensure their conformity with the revised OP



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Site Plan Control

- Additional elements eligible for site plan control have been added:
 - External design
 - Sustainable design elements both on site and on an adjoining highway under municipal jurisdiction---trees, shrubs, and other landscaping features.
 - Facilities related to accessibility for disabled persons



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Committee of Adjustment

- In addition to imposing terms and conditions, the Committee may also require the owner of land to enter into one or more agreements with the municipality related to those conditions.
- Such agreements can be registered on title.



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Plans of Subdivision

- With regards to the criteria for considering a draft plan of subdivision, Subsection 51 (24) (l) is modified to read “the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy.”
- The highway dedication provision under Subsection 51(25)(b) is modified to include “pedestrian walkways, bicycle pathways and public transit rights of way”.



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Community Improvement

- The scope of community improvement has been expanded to include:
 - “construction” (in addition to the current wording of reconstruction and rehabilitation”)
 - “improvement of energy efficiency”
 - “structures” (in addition to the current wording of “buildings” and “works”)
 - Eligible costs for community improvement may also include costs related to environmental site assessment, environmental remediation, as well as costs related to the improvement of energy efficiency.



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Ontario Municipal Board (1)

- Limits are placed on appeals to the OMB. Defines who and under what circumstances can appeal, and matters that cannot be appealed.
- No appeals if the municipality refuses or fails to approve an OPA or a rezoning application where the requested amendment would:
 - Alter a settlement boundary
 - Establish a new area of settlement
 - Remove lands from areas of employment, even if other lands are proposed to be added.
 - No appeals if the matter is for amending or revoking OP policies that permit a second unit in an area where residential use is permitted.



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OMB (2)---Who May Appeal

- Instead of allowing any person or public body to appeal on a decision by Council on an OPA, rezoning, or subdivision approval, the parties that may appeal is limited and defined.
- Although there are differences due to those three different approval processes, in general the principle is that only the applicant, the Minister, the approval authority, and a person or public body who made oral submissions at a public meeting or written submissions to Council, prior to Council making its decision, may appeal.

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Ontario Municipal Board (3)

- In a hearing, the OMB may accept new evidence if it determines that such information is relevant. This would be information that was not provided to the municipality before the Council made its decision.
- The municipality will be given a 60 day time period to respond---i.e., reconsider its decision or make a recommendation to the Board.
- Therefore, it is to the benefit of all parties to have all the necessary information available to Council prior to its decision in order to avoid potential delays in the future.

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Other Changes

- Bill 51 also allows municipalities to have the option of adopting a Local Appeal Body to hear appeals on consent and/or minor variance, subject to conditions to be prescribed in regulations.
- Out of the five regulations that may be created, only one is published, but not yet in force. Therefore, this option is premature at this time.
- Prior to Bill 51, a Development Permit System was only available to five pilot municipalities. Bill 51 makes this option available to all municipalities.

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Amendments to Other Acts

- Bill 51 also made technical amendments to other Acts, including the Conservation Lands Act.
- The purpose of amendments to that Act is to make it easier for land owners to grant easements or enter into a covenant with one or more conservation bodies for the conservation of wildlife; protection of water quality and quantity, including the protection of drinking water sources; or for watershed protection and management.



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Questions