

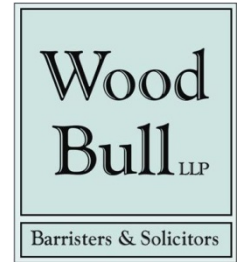
FoNTRA Forum on OMB Reform

17 October 2017

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5

T (416) 203-7160 F (416) 203-8324 www.woodbull.ca

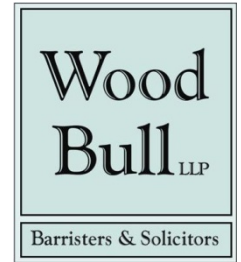
CURRENT SCENARIOS WHERE NO RIGHT TO MAKE APPLICATIONS



Unless Council declares otherwise by resolution, the following applications are prohibited:

- Requests for **amendments to New Official Plans**, before second anniversary of the first day any part of the plan comes into effect [*Planning Act* s.22(2.1)]
- Requests for **amendments to New Comprehensive Zoning By-laws** that were carried out in accordance with s.26(9) by before the second anniversary of the day on which the council repeals and replaces all the zoning by-laws in effect in the municipality [*Planning Act* s.34(10.0.0.1)]
- Requests for **minor variances to private-initiated zoning by-law amendments** before the second anniversary of the day on which the by-law was amended [*Planning Act* s.45(1.3)]

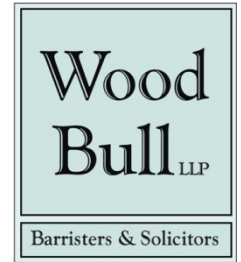
BILL 139: ADDITIONAL SCENARIOS WHERE NO RIGHT TO MAKE APPLICATIONS



Unless Council declares otherwise by resolution, the following applications are prohibited:

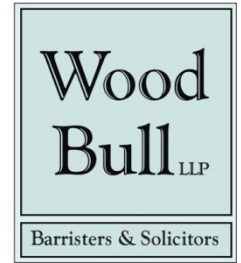
- Requests for **amendments to secondary plans** before second anniversary of the first day any part of the secondary plan comes into effect [*Planning Act* s.22(2.1.1)]
- Requests for **amendments to protected major transit station area policies** [*Planning Act* s.22(2.1.3)]

CURRENT SCENARIOS WHERE NO RIGHT TO APPEAL (public amendments)



- Entire OPs (i.e. no **global appeals**) [*Planning Act* s.17(24.2), 17(36.2)]
 - OP policies and zoning by-laws that authorize and implement **second units** and affordable housing **inclusionary zoning policies** [*Planning Act* s.17(24.1), 17(24.1.2), 17(36.1), 17(36.1.2), 34(19.1), 34(19.3)]
 - Parts of OP that:
 - Identify **areas set out in other legislation** e.g. Lake Simcoe watershed, Greenbelt Area, Oak Ridges Moraine Conservation Plan Area
 - Identify **Growth Plan forecasts** of population and employment growth
 - Identify **boundary of settlement area** to reflect settlement areas in approved upper tier municipalities
- [*Planning Act* s.17(24.4)-(24.5), 17(36.4)]

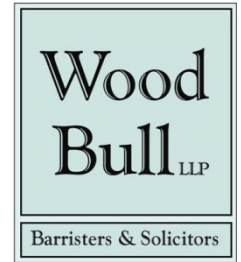
CURRENT SCENARIOS WHERE NO RIGHT TO APPEAL (private amendments)



- Non-decisions and refusals of private OP amendments and zoning by-law amendments re:
 - New/altering **settlement area boundaries**
 - Removal of lands from **employment areas**
 - Amending **inclusionary zoning**

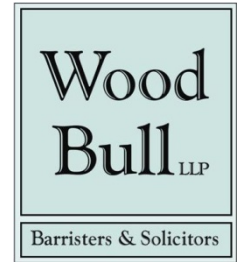
[Planning Act s.22(7.1)-(7.3), 34(11.0.4)-(11.06)]

BILL 139: ADDITIONAL SCENARIOS WHERE NO RIGHT TO APPEAL



- OP policies and zoning by-laws identifying **major transit station areas** and establishing permitted uses or min/max densities and heights in these areas [*Planning Act* s.17(36.1.4), 34(19.5)]
- OP policies that result from a PPS consistency/Provincial Plan conformity amendment exercise [*Planning Act* s.17(36.5), 21(3), 26(1)]
- Any new comprehensive municipal OP that the Minister has approved [*Planning Act* s.17(36.5), 21(3), 26(1)]

BILL 139: APPEAL OF APPROVAL AUTHORITY DECISIONS (OP)

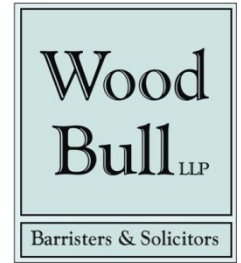


Appeal of a decision to adopt or approve an OP/OPA can only be made if the decision:

- *is inconsistent with a policy statement,*
- *fails to conform with or conflicts with a provincial plan,*
or
- *fails to conform with the upper-tier municipality's official
plan [for lower-tier OPs and OPAs]*

[*Planning Act* s.17 (24.0.1), 17 (36.0.1)]

BILL 139: APPEAL OF APPROVAL AUTHORITY DECISIONS (Zoning)

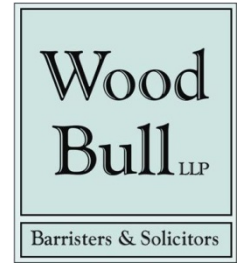


**Appeal of a decision to pass a zoning by-law
can only be made if the decision:**

- *is inconsistent with a policy statement,*
- *fails to conform with or conflicts with a provincial plan,*
or
- *fails to conform with an applicable official plan*

[*Planning Act s.34 (19.0.1)*]

BILL 139: PRIVATE APPEAL OF COUNCIL REFUSAL OR NON-DECISION (OPA)



Appeal can only be made if

(a) the **existing** part or parts of the official plan affected by the subject amendment:

- *are inconsistent with a policy statement*
- *fail to conform with or conflict with a provincial plan or*
- *fail to conform with the upper-tier municipality's official plan*
[for lower-tier OPAs]

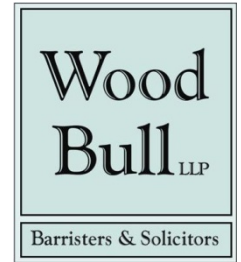
and

(b) the requested amendment:

- *is consistent with policy statements*
- *conforms with or does not conflict with provincial plans and*
- *conforms with the upper-tier municipality's official plan [for lower-tier OPAs]*

[*Planning Act s.22 (7.0.0.1)*]

BILL 139: PRIVATE APPEAL OF COUNCIL REFUSAL OR NON-DECISION (Zoning)



Appeal can only be made if

(a) the existing part or parts of the by-law affected by the subject amendment:

- *are inconsistent with a policy statement*
- *fail to conform with or conflict with a provincial plan or*
- *fail to conform with an applicable official plan;*

and

(b) the requested amendment:

- *is consistent with policy statements*
- *conforms with or does not conflict with provincial plans and*
- *conforms with applicable official plans*

[*Planning Act s.34 (11.0.0.0.2)*]



Dennis Wood
416-203-7718
dwood@woodbull.ca

MUNICIPAL, PLANNING & DEVELOPMENT LAW

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5
T (416) 203-7160 F (416) 203-8324 www.woodbull.ca