

Summary of Changes Proposed by Bill 73
 (Smart Growth for Our Communities Act, 2015)
Committee of Adjustment

NOTE: Items in **RED** are changes or additions to the current *Planning Act*.

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
1	(1)	No definition for "payment in lieu"	1	(1)	"payment in lieu" means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; ("paiement tenant lieu de cession")	Relates to cash-in-lieu of parkland dedication. New definition.	Update standard conditions	Consents
2.1		When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to, (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and (b) any supporting information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2006, c. 23, s. 4.	2.1	(1)	When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to, (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and (b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a).	Minor wording changes.	None	Appeals
2.1	(2)	Does not currently exist	2.1	(2)	When the Municipal Board makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Board shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.	New.	None	Appeals

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
2.1	(3)	Does not currently exist	2.1	(3)	For greater certainty, references to information and material in subsections (1) and (2) include, without limitation, written and oral submissions from the public relating to the planning matter.	New.	None	Appeals
16	(1)	An official plan shall contain, (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; and (b) such other matters as may be prescribed. 2006, c. 23, s. 8.	16	1	An official plan shall contain, (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of, i. proposed amendments to the official plan or proposed revisions of the plan, ii. proposed zoning by-laws, iii. proposed plans of subdivision, and iv. proposed consents under section 53; and (c) such other matters as may be prescribed.	Establishes the requirement to have Official Plan policies outlining public consultation.	Official Plan may require an amendment.	Consents

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
45	(1.0.1)	Does not currently exist	45	(1.0.1)	The committee of adjustment shall authorize a minor variance under subsection (1) only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with the prescribed criteria, if any.	Section 45(1) sets out the four tests of the Planning Act. This adds an additional requirement that any prescribed criteria must also be considered. The prescribed criteria have not been established, and may be set out in a Regulation. This may address the Province's intention to define what a "minor" variance is.	None until prescribed criteria are established.	Variances
45	(1.2)	Does not currently exist	45	(1.2)	Subsection (1.3) applies when a by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law, or in response to an application by a person authorized in writing by the owner.	Establishes the criteria that 45(1.3) only applies when a property owner initiated a zoning amendment.	Staff will need to better review background information on applications.	Variances
45	(1.3)	Does not currently exist	45	(1.3)	No person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended, unless the council has declared by resolution that the application for the minor variance is permitted.	Establishes rule that minor variances will not be considered for a property for a period of 2 years after the passing of a zoning by-law amendment, except where Council passes a resolution to allow for a variance application.	Staff may need to develop a monitoring system related to site-specific zoning amendments to ensure compliance with this requirement.	Variances

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
45	(8)	No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. R.S.O. 1990, c. P.13, s. 45 (8).	45	(8)	No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application.	Deleted wording regarding the requirement for reasons for the decision. New requirements in 45(8.1) and 45(8.3)	None	Variations
45	(8.1)	Does not currently exist	45	(8.1)	The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall, (a) set out the reasons for the decision; and (b) contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision.	Requirement that the decision include the reasons for the decision (no change) AND that there be an explanation of the effect any oral or written comments had on the decision (new)	Update the draft decisions	Variations
45	(8.2)	Does not currently exist	45	(8.2)	Clause (8.1) (a) applies to, (a) any written submissions relating to the application that were made to the committee before its decision; and (b) any oral submissions relating to the application that were made at a hearing.	Specifies that the submissions referred to in 45(8.1) are ones made at the hearing	Update the draft decisions	Variations

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
45	(13)	The secretary-treasurer of a committee, upon receipt of a notice of appeal filed under subsection (12), shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. R.S.O. 1990, c. P.13, s. 45 (13).	45	(13)	On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Municipal Board, by registered mail, (a) the notice of appeal; (b) the amount of the fee mentioned in subsection (12); (c) all documents filed with the committee relating to the matter appealed from; (d) such other documents as may be required by the Board; and (e) any other prescribed information and material.	Currently no time frame for the Secretary-Treasurer to forward an appeal to the OMB. This requires that an appeal be “promptly” forwarded to the OMB.	Continue current practice of forwarding appeals as soon as possible.	Variations
53	(4.3)	Does not currently exist	53	(4.3)	In the case of an application for consent that is made to a council, if the official plan sets out alternative measures for informing and obtaining the views of the public in respect of applications for consent and if the measures are complied with, (a) subsection (5) does not apply; and (b) subsections (6) and (7) do not apply with respect to notice of the application.	If the Official Plan establishes notification requirements for consents, then the notice requirements of 53(5) are not necessary.	Monitor revisions to OP to determine if alternative measures for informing the public are implemented	Consents
53	(4.4)	Does not currently exist	53	(4.4)	Subsection (4.3) also applies in the case of a council or planning board to which the Minister has delegated authority under section 4.	Extends the alternative notice requirements to councils/boards that have been delegated authority by the Minister	None	Consents
53	(4.5)	Does not currently exist	53	(4.5)	In the course of preparing the official plan, before including alternative measures described in subsection (4.3), the council shall consider whether it would be desirable for the measures to allow for notice of the application for consent to the prescribed persons and public bodies mentioned in clause (5) (a).	Requires Council to consider notifying the persons/agencies currently notified of hearings.	Monitor revisions to OP to determine if alternative measures for informing the public are implemented	Consents

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
53	(13)	If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given. 1994, c. 23, s. 32.	53	(13)	If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance a payment in lieu for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given. 1994, c. 23, s. 32.	Update in wording to reflect new definition	None	Consents
53	(16.1)	Despite clause (15) (b), if all appeals under subsection (14) are withdrawn within 15 days after the last day for filing a notice of appeal, the clerk of the municipality or the Minister is not required to forward the materials described under clause (15) (b) to the Municipal Board. 1999, c. 12, Sched. M, s. 29	53	(16.1)	Despite clause (15) (b), if all appeals under subsection (14) are withdrawn within 15 days after the last day for filing a notice of appeal after the first notice of appeal is filed the clerk of the municipality or the Minister is not required to forward the materials described under clause (15) (b) to the Municipal Board. 1999, c. 12, Sched. M, s. 29	Appeals must be withdrawn within 15 days of their filing, rather than within 15 days of the last day to appeal.	Receipt of appeal must be monitored to ensure that withdrawal of appeal is within required timeline.	Consents
53	(16.12)	If all appeals under subsection (14) are withdrawn within 15 days after the last day for filing a notice of appeal, the council or the Minister may proceed to make a decision under subsection (1). 1999, c. 12, Sched. M, s. 29.	53	(16.12)	If all appeals under subsection (14) are withdrawn within 15 days after the last day for filing a notice of appeal, after the first notice of appeal is filed the council or the Minister may proceed to make a decision under subsection (1). 1999, c. 12, Sched. M, s. 29.	Revision to reflect the new requirement that appeals be withdrawn within 15 days that they are filed.	None	Consents

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
53	(17)	If the council or the Minister gives or refuses to give a provisional consent, the council or the Minister shall ensure that written notice of it is given within 15 days, containing the information prescribed to, <ul style="list-style-type: none"> (a) the applicant; (b) each person or public body that made a written request to be notified of the decision or conditions; (c) Repealed: 1996, c. 4, s. 29 (4). (d) the Minister, with respect to a decision by a council to give a provisional consent, if the Minister has notified the council that he or she wishes to receive a copy of all decisions made to give a provisional consent; and (e) any other person or public body prescribed. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (4). 	53	(17)	If the council or the Minister gives or refuses to give a provisional consent, the council or the Minister shall ensure that written notice of it is given within 15 days to, <ul style="list-style-type: none"> (a) the applicant; (b) each person or public body that made a written request to be notified of the decision or conditions; (c) the Minister, with respect to a decision by a council to give a provisional consent, if the Minister has notified the council that he or she wishes to receive a copy of all decisions made to give a provisional consent; and (d) any other person or public body that is prescribed. 	Appears to be a housekeeping update. Deletes a repealed paragraph.	None	Consents
53	(18)	Repealed: 1996, c. 4, s. 29 (5).	53	(18)	The notice under subsection (17) shall contain, <ul style="list-style-type: none"> (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.1) had on the decision; and (b) the prescribed information. 	Requirement that the decision include an explanation of the effect any oral or written comments had on the decision.	Update the draft decisions	Consents

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
53	(18.1)	Does not currently exist	53	(18.1)	Clause (18) (a) applies to, (a) any written submissions relating to the provisional consent that were made to the council before its decision; and (b) any oral submissions relating to the provisional consent that were made at a public meeting.	Specifies that the submissions referred to in 53(18) are ones made at the hearing	Update the draft decisions	Consents
53	(18.2)	Does not currently exist	53	(18.2)	If the notice under subsection (17) is given by the Minister and he or she is also giving notice of the matter in accordance with section 36 of the Environmental Bill of Rights, 1993, the brief explanation referred to in clause (18) (a) is not required.	Requirement for explanation to include the effect of written/oral submission is not required when giving notice to the Minister in conjunction with a notice required under the Environmental Bill of Rights	None	Consents
53	(27.1)	Does not currently exist	53	(27.1)	When a notice of appeal is filed under subsection (19) or (27), the council or the Minister may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.	When consents are appealed this new section allows for alternative dispute resolution.	Will need to monitor Council's intent with respect to alternative dispute resolution	Consents

Current Section	Current Subsection	Current Planning Act	Proposed Section	Proposed Subsection	Proposed Bill 73	Notes & Comments	Required Action	Application Type
53	(27.2)	Does not currently exist	53	(27.2)	If the council or the Minister decides to act under subsection (27.1), (a) the council or Minister shall give a notice of its intention to use dispute resolution techniques to all the appellants; and (b) the council or Minister shall give an invitation to participate in the dispute resolution process to, (i) as many of the appellants as the council or Minister considers appropriate, (ii) the applicant, if the applicant is not an appellant, and (iii) any other persons or public bodies that the council or Minister considers appropriate.	Establishes notice requirements when the alternative dispute resolution process is used.	Will need to monitor Council's intent with respect to alternative dispute resolution	Consents
53	(27.3)	Does not currently exist	53	(27.3)	When the council or Minister gives a notice under clause (27.2) (a), the 15-day period mentioned in clause (28) (b) and in subsections (29.1) and (29.2) is extended to 75 days.	When alternative dispute resolution is to be used, the appeal period is extended to 75 days, rather than 15.	Will need to monitor Council's intent with respect to alternative dispute resolution	Consents
53	(27.4)	Does not currently exist	53	(27.4)	Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (27.2) (b) is voluntary.	Establishes requirement that participation is alternative dispute resolution is voluntary.	None	Consents