Recommendations to Environmental Registry of Ontario (ERO #013-4239, ERO #013-4125, ERO #013-4293) by the Quinte Region Source Protection Committee Regarding Bill 66 (*An Act to Restore Competitiveness by amending or repealing certain Acts*)

1. Preamble

1.1 This presentation to the Environmental Registry of Ontario on recommended amendments to Bill 66 addresses the protection of drinking water sources exclusively.

1.2 Bill 66 was introduced to reduce red tape and regulatory burden in order to make it easier for businesses to create jobs. The Quinte Region Source Protection Committee understands the objective of the Bill 66; however, the Quinte Region Source Protection Committee is concerned that the Clean Water Act is included in Schedule 10 of Bill 66. The Committee is also concerned about the lack of detail regarding implementation of Bill 66, in particular with regard to the protection of drinking water sources.

1.3 The Safe Drinking Water Act (SDWA) and the companion Clean Water Act (CWA) were enacted, in part, because of Justice O'Connor's findings that the major contributing causes to the Walkerton Tragedy were that: a) there was no mechanism to control the quality of the source water, b) local politicians placed the financial considerations of Walkerton's water supply as more important than public health, and c) the provincial government of the time had reduced its direct involvement in the provision of drinking water.

1.4 From the information received to date (see documents reviewed below), under Bill 66 the events in Walkerton could be repeated. If financial considerations are the main factors impacting decision-making, the result could be a waiving of drinking water source protection with no local input. While bylaws under the act require provincial approval, it is unknown the extent to which the province will require municipalities to rationalize not conforming to Source Protection Plans when considering bylaws and additionally, the extent to which the province itself would have regard for the impact of the bylaw on protecting drinking water sources.

2. Aim

2.1 The aim of this presentation is to provide the province with recommendations for consideration regarding Bill 66.

3. Factors for Consideration

3.1 All new acts make provision for regulations to be made as part of the act. From the public's point of view such regulations, while they are published for comment, are subsequently passed or rejected without public debate. Bill 66 as proposed, makes mention of a future regulation, but does not provide

details. Rather, it has been left open for regulations or changes that may significantly affect drinking water source protection measures, with the result that detailed impact of the Bill 66 cannot be known nor therefore commented upon at this time.

3.2 It is indicated in the preamble that the SDWA and the CWA were enacted in recognition that the Walkerton Tragedy was, in part, caused by a lack of control of the drinking water source, a lack of interest in drinking water quality by local governance and a diminished provincial role in the provision of safe drinking water. Bill 66 risks establishing a recurrence of the same set of circumstances.

3.3 Investigations in the form of engineering reports and Ministry inspections following the Walkerton Tragedy revealed that there were similar situations close to occurring throughout the province. As such the SDWA and the CWA were enacted to provide safeguards to safe drinking water throughout the province. Diminishing or reducing the impact of either act increases the risk to public drinking water supplies regulated by these pieces of legislation. It is recognized that simplifying procedures for development proposals may be attractive to business interests; however risking public health by not regulating source protection is counterproductive.

3.4 Since Bill 66 does not repeal Section 19 of the SWDA, if persons named in the section (including councillors) enact a bylaw that attracts development but leads to putting the public at risk they may be subject to the penalties of the act. This may leave councillors and senior municipal staff in danger of violating the SDWA even when such bylaws are passed and agreed to by the province.

3.5 Source Protection Plans (SPPs) are science-based and reflect local conditions. The plans were locally developed by representatives of the public, industry and commerce and local governments. These plans, and supporting reports, were all subject to numerous public consultations throughout all stages of development and approval. SPPs have been endorsed through bylaw or resolution under local procedural bylaws by the municipalities to which the plans apply. These procedural bylaws typically require public notice of proposed changes to resolutions or bylaws. Nothing in Bill 66 allows for bypassing a procedural bylaw that endorsed the source protection plan. While Bill 66 may permit a bylaw to be passed without notice, the public will be notified in accordance with the municipal procedural bylaw(s). As such, regardless of Bill 66 as written, public notification will be provided. Waiving the requirement to adhere to source water protection plans is not in the interest of the municipality.

3.6 The areas designated in SPPs as vulnerable to significant drinking water threats represent a small portion of the land which is likely to be attractive for potential development. As such, applying Bill 66 to these lands will not appreciably increase the area to which municipalities will wish to attract development but may well place risks to drinking water safety. If something were to go wrong and the source of drinking water became contaminated, the costs involved would far outstrip the benefits from any development. Additionally, the objective of Bill 66 is already enshrined in the CWA under Section 39(3).

3.7 Development proposals in the United States are subject to environmental constraints similar to those in Ontario, although the process may be less arduous. Business interests however, indicate that a rationale for locating in the USA is primarily based upon tax advantages offered by municipalities. As such avoidance of a source protection plan would not be a reason for development.

3.8 The Bill does not propose changes to other acts and regulations that provide measures of protection for drinking water, such as the Environmental Protection Act (EPA), the Ontario Water Resources Act (OWRA), The Drainage Act (DA), the Safe Drinking Water Act (SDWA) and The Technical Standards and Safety Act. These acts all have associated "instruments" that are relied upon in SPPs. The drinking water risks that are mitigated by these acts would remain in effect, with the exception of changes to Permits to Take Water (PTTW) which is discussed in the subsequent paragraph. Since the provisions of these acts upon which parts of source protection plans rely would remain in effect, there is no advantage to ignoring SPPs as a means to attract development.

3.9 *The Government of Ontario's for the People Cutting Red Tape* mentions the Ministry of the Environment, Conservation and Parks (MECP) in terms of permits to take water, storm and sanitary sewers and MISA regulations. It does not mention that drinking water may be placed at risk. In addition, the press release mentions Permits to take Water but only in terms of facilitating construction where water is pumped from a source and then immediately returned. In the latter case, as part of the project Environmental Assessment (EA), there will still be a requirement to consider drinking water source protection. Indeed Bill 66 does not repeal any acts or regulations requiring an environmental assessment, therefore any development may be subject to the Environmental Protection Act (EPA) and presumably would not be able to bypass the expense and time to conduct an environmental assessment. This provides some further assurance (but no guarantee) of protection of Drinking Water Sources.

Bill 66 does not address provincial instruments that regulate wastewater effluents (quality or flows). Thus municipalities must be cognizant of the impact of any new development that would jeopardize their waste treatment instruments. Attracting development that could lead to violating these instruments would not be in the interest of the municipality. This would negate any positive aspects of ignoring source protection measures.

Many drinking water sources in the Quinte Source Protection Region have been negatively impacted by commercial/industrial development in the past. Consequently, the Quinte Region Source Protection Committee is sensitive to situations which may repeat these occurrences and views the provisions of Bill 66 regarding source water protection with great concern. Examples of these situations are:

- a municipal well in the Village of Madoc that had to be abandoned because of hydrocarbon contamination;
- threats to the Picton Water Treatment Plant as the result of a fuel spill at a development for salt storage;
- the contamination from a landfill site near the Belleville Water Treatment Plant; and

- the groundwater and surface water contamination at an industrial property, metres away from the Bay of Quinte water source for the Town of Picton.

3.11 It is noted that Bill 66 does not apply to residential development and therefore residential development would remain under the requirements of Source Protection Plans.

3.12 Bill 66 only applies to development that will create more than 49 jobs in areas where the population is less than 250,000 people, which would apply to all municipalities in the Quinte Region. While the possibility of such development within the Quinte Region's source protection Wellhead Protection Areas and Intake Protection Zones is likely of low possibility and given that there are ample options for such development outside source protection areas, there should be no need for municipalities in the region to consider the need for development that would violate Section 39 of the CWA. In addition developers of any new modern commercial and industrial complexes are unlikely to consider moving ahead without a thorough understanding of the associated risks. While this does not guarantee that drinking water sources will not be put at risk by such development, it does demonstrate that there will be an added cost.

Recommendations

Whereas source protection zones and areas in the Quinte Region where the impact of Schedule 10 of Bill 66 would apply are limited and development that could put drinking water at risk is unlikely to be attractive to such developers; and **whereas it is paramount** to avoid another "Walkerton", by recognizing that protecting safe drinking water must take precedence over financial considerations,

The Quinte Region Source Protection Committee therefore recommends:

a) that Bill 66 be amended to remove Section (6) 6. of Schedule 10 of Bill 66 (*An Act to Restore Competitiveness by amending or repealing certain Acts*),

b) that if Schedule 10 remains in Bill 66, where a municipality passes a bylaw under the terms of Bill 66 that could impact an approved Source Protection Plan, a regulation be put in place requiring the province to publish a record of its review/approval proceedings and

c) that any approvals granted under Bill 66 be subject to appeal.

Sincerely,

M.G (Max) Christie
Chair, Quinte Region Source Protection Committee

Literature Consulted

1. *Clean Water Act* and associated regulations

2. *Safe Drinking Water Act* and associated regulations

3. *The Clean Water Act - A Plain Language Guide*

4. *Deregulation Redux: Ontario's Environmental Laws under Attack (Again)* - published by Canadian Environmental Law Association.

5. *Notes from source protection program managers telephone conference'* - (copy attached as Annex A)

6. *Ontario's Government for the People Cutting Red Tape to Create Jobs - Government of Ontario News Release*

7. *Proposed Changes to Create Jobs and Reduce Regulatory Burden in Specific Sectors* – Government of Ontario Backgrounder

8. *Drinking Water Source Protection – Key Messages – December 19, 2018* By Conservation Ontario (attached as Annex B)

9. *Proposed "Open for Business" Planning Tool and the Clean Water Act (2006)* - Conservation Ontario (attached as Annex C)

10. ERO # 013-4239 Notification **-** *New Regulation under the Planning Act for open-for-business planning tool*

Annexes

A. Email from Quinte Region Source Protection Project Coordinator Re: Bill 66 and Local Implications

B. Conservation Ontario's Drinking Water Source Protection Key Messages

C. Conservation Ontario's Proposed "Open for Business" Planning Tool and the *Clean Water Act*

D. Bill 66 An Act to restore Ontario's competitiveness by amending or repealing certain Acts

Annex A

From: Amy Dickens [mailto:ADickens@quinteconservation.ca]
Sent: December-13-18 1:04 PM
To: Max Christie; 'Rahumathulla Marikkar'; Heather Lang
Cc: 'Curtis Maracle'; 'Jack Alexander'; 'Gary Fox'; 'Todd Kring'; 'Clarence Zieman'; 'Garmet Thompson'; 'Jo-Anne Albert'; 'Ron Hamilton'; 'Roy Pennell'; 'Doug Parker'; 'Eric Bauer'; 'Mel Plewes'; 'Phillip Norton'; 'Terry Kennedy'; 'Andrew Landy'; Mike Kerby; 'Wooding, Mary (ENE)'; Brad McNevin; Mark Boone; 'Andrew Landy'
Subject: RE: Bill 66

Good morning everyone,

I apologize for my delay on responding to this email. I was out of the office at Conservation Authority University and our *strict* professors didn't let us access our phones. You will all be happy (and hopefully not shocked) to know I successfully graduated!

On Wednesday morning I did skip class because the Province held a project managers conference call to provide some further guidance on Bill 66 66 and allowed us to ask questions. I realize there is a lot of information below but it does help determine how this affects our plan so please read it over. **If anything, please scroll down to the section that discusses what this means for our plan.**

Here are some of the key points MMAH provided in response to the question about municipality-wide vs site-specific applicability:

- The by-law can only be used for a site specific employment proposal. It will not be a one-time passing that can be used again for future proposals
- Before passing an Open-for-Business Planning By-law, a municipality would need to seek provincial endorsement to use the tool.
- As part of the province's consideration of such a request by a municipality to use the tool, the municipality would need to meet criteria that would be spelled out in a regulation prior to a provincial endorsement of a proposed use of the tool
- Further to that there will be an inter-ministry review to confirm the proposal does not have harmful effects on the provincial/public interests
- The Minister also has an opportunity to intervene before the by-law comes into force (20 days after being passed by a municipality unless the Minister intervenes)

Here are some additional key points that came up on the call

- Although the actual land uses have not been identified, the Environmental Registry of Ontario (ERO) posting does state it will not be used in situations where residential, commercial or retail is the primary use
- It must provide evidence that the proposal will create a minimum of 50 jobs (this is one point I will be addressing in our comments as I feel it should be identified that these should be permanent and not include construction contracts)
- The by-law **will not** affect Part IV (prohibition, risk management plans, and restricted land use policies), Prescribed Instrument (PI) policies, or any other significant threat policies such as those that rely on section 38 of the *Clean Water Act* (such as local education and outreach policies)
- The proposed amendment to the planning act only affects certain policies: specifically those listed on List A (Planning Act significant threat policies) and B (Planning Act moderate or low policies) in the back of your source protection plans
- Bill 66 66 **does not** affect the Safe Drinking Water Act, so the standard of care for municipal councilors still exists

I did not see anywhere in the literature that stated the Clean Water Act would be amended. This is important because of S39(4) of the Act that states, "Despite any Act, but subject to a regulation made under clause 109 (1) (h), (i) or (j), if there is a conflict between a provision of a significant threat policy or designated Great Lakes policy set out in the source protection plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the quality and quantity of any water that is or may be used as a source of drinking water prevails. 2006, c. 22, s. 39 (4)." This was identified on the PM call and the Ministry is looking into this.

How this affects Quinte's Source Protection Plan

- If you remove the S59 restricted land use policies from our list there are only 3 policies remaining
- 1 policy deals with residential lots so is not affected
- 1 policy deals with the prohibition of future waste disposal sites. However, we have a complimentary PI policy also prohibiting waste disposal sites in the vulnerable areas which is **not** subject to Bill 66.
- 1 policy deals with the prohibition of sewage treatment plants. Although we do not have a specific PI policy related to the plant we have a couple of policies related to sewage infrastructure which would be onsite of a plant and I would question whether this would fall into the identified land uses and whether it would employ more than 50 people.

To summarize, from the information received, there is not significant threat that will be overlooked because of Bill 66. A big part of that is because of your hard work and diligence to create complimentary policies using multiple tools. So give yourself a pat on the back!

As Max said we will be providing constructive comments on this as well as the Made In Ontario Plan. If you would like to send in comments I am happy to include them in our submission. Additionally, my comments are forwarded to Conservation Ontario to be included in their submission. You are of course welcome to submit your own comments as well, which is why I thought it important to send out this additional information.

Please have comments to me by January 4th, 2019 so I can compile them all and submit in a timely fashion.

Cheers,

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Annex B

Drinking Water Source Protection
Key Messages
December 19, 2018

- Ontario has a comprehensive drinking water safety net from source to tap. It follows Justice O'Conner's recommendations in 2000, for a multi-barrier approach to drinking water protection. Each part of this multi-barrier approach must work **together** in order to effectively protect Ontarians from drinking water tragedies such as the Walkerton incident. **The Ontario Clean Water Act is the necessary first step of Ontario's multi-barrier approach, without which drinking water protection is incomplete.**
- Ontario's watershed-based conservation authorities function as source protection authorities along with two other organizations, the Municipality of Northern Bruce Peninsula and the Severn Sound Environmental Association. Based on existing conservation authority – municipal partnerships, relationships with local watershed stakeholders, and with the Province, conservation authorities are ideal partners in the Drinking Water Source Protection (DWSP) program. The source protection authorities have specialized expertise in DWSP and provide the necessary support to Source Protection Committees to fulfil the mandate of the Act. This support includes science/technical, policy, communications, progress reporting, data retention, administration, project management, and several other aspects. **It is important to retain the investment made by the province for specialized DWSP knowledge and practice, by retaining conservation authority staff who provide the necessary support to local decision making Source Protection Committees.**
- The DWSP program must continue to fulfil the legislative requirements of the Clean Water Act, in order to protect municipal sources of drinking water across Ontario. The watershed-based DWSP science is a cornerstone of the program's success and must be updated as needed, in order to ensure that sources of drinking water are protected in Ontario. The program is a cycle of continuous progress, including source protection plan policy implementation, monitoring, annual reporting, science and policy updating, and back to implementation. The first few years of implementation are critical but the 5 and 10 year program horizons and beyond, are equally important. **A multi-year business plan will enable the program commitments to be delivered with greater efficiencies, with reduced redundancies, and retaining the necessary expertise.**
- Decentralizing the regional funding (for example requiring that municipalities solely bear the costs) will ultimately lead to increased costs, losses in efficiencies and subsequent increases in local taxes and development charges. Any increase in development charges will result in the cost being passed on to the potential homebuyers, increasing housing costs and limiting affordability. While some large municipalities may potentially have the capacity to deliver a program, many medium and small sized municipalities will

struggle to afford the additional cost. **In these situations, risk to the community's source of drinking water will increase.**

- The DWSP science is a strategic investment by province, and can be the driver for innovation in other provincial mandates. Water budget models established under the DWSP are being used in climate change studies, in the Oak Ridges Moraine Groundwater Program, and stakeholders have recognized the usefulness of these models in supporting the provincial Permit To Take Water (PTTW) process also. The source protection plans support Great Lakes health by actions such as nutrient loading reduction. The Clean Water Act includes a means to establish nutrient targets to reduce the nuisance growth of blue green algae, and this aligns with the mandate of other Great Lakes legislation. As well, the vulnerable areas 'Highly Vulnerable Aquifers' and 'Significant Groundwater Recharge Areas' delineated under the Clean Water Act support aquifer management plans and are potential sites to implement low impact development (LID) measures. The Provincial Policy Statement specifies the protection of all vulnerable areas related to drinking water sources, and the DWSP science helps to fulfil this requirement. **It is important to leverage the investment made by the province into the DWSP science, because it strongly supports the government's actions for clean water as specified in the proposed Environment Plan: continue work to protect and restore our Great Lakes, continue to protect and identify vulnerable waterways and inland waters, ensure sustainable water use and water security for future generations.**

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Annex C

Proposed "Open for Business" Planning Tool and the Clean Water Act (2006)

The government is proposing to make changes to the Planning Act to create a new economic development tool, the "open-for-business" planning by-law. In circumstances where there are major employment and economic growth opportunities, municipalities could request to use an open-for-business planning by-law, provided certain criteria were satisfied.

See more information below from MMAH, MECP, and from the related Environmental Registry of Ontario (ERO) posting at: https://ero.ontario.ca/notice/013-4239.

Information from MMAH (in response to question from SPC Chairs) about applicability municipality-wide vs site-specific

The by-law could only be used for a **site specific employment proposal.** Before passing an Open-for-Business Planning By-law, a municipality would need to seek provincial endorsement to use the tool. As part of the province's consideration of such a request by a municipality to use the tool, the municipality would need to meet criteria that would be spelled out in a regulation prior to a provincial endorsement of a proposed use of the tool. Further, there would be an inter-ministry review to confirm the proposal does not have harmful effects on provincial / public interests. The Minister also has an opportunity to intervene before the by-law comes into force (20 days after being passed by a municipality unless the Minister intervenes). As a result, there would be many checks and balances that would be in place.

Information from the ERO posting 013-4239 including examples of criteria

A municipality's request to use an open-for-business planning by-law would need to be accompanied by information that would be prescribed in a proposed new regulation, such as a description of the subject lands, land use planning information, and open-for-business information, including details about the proposed employment opportunity. The proposed regulation would also:

- require confirmation that the proposal is for a new major employment use;
- require evidence that the proposal would meet a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people);
- identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use;
- prescribe how notice is to be given to the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law (similar to how the Minister is notified following the passing of a zoning by-law – e.g. email and personal service).

The purpose of the proposed regulation is to facilitate implementation of the proposed open-for-business planning by-law.

The ERO posting 013-4239 is open for public comments until January 20, 2019.

Information from Jennifer Moulton, planner at MECP, specific to the Clean Water Act

The proposed amendments to the *Planning Act* under Bill 66 66 would only affect certain policies on List A and List B of source protection plans.

It is worth noting that the open-for-business proposal allows for by-laws that mirror exemptions already enabled for Minister's Zoning Orders under Section 39(3) of the *Clean Water Act*. Under this section, Minister's zoning orders are exempted from complying / having regard to List A and B. Similarly, the proposed open-for-business planning by laws must receive approval from the Minister (as currently proposed in the Bill 66), meaning both the open-for-business by law and Minister's Zoning Orders have the same level of approval. Further, regulations will be made to support the approval process including what information must be submitted to the Minister when seeking approval. The Ministry of Environment, Conservation and Parks will be working with the Ministry of Municipal Affairs and Housing on including the relevant information for consideration in the Minister's regulation.

Application to List A and B:

Section 39 of the *Clean Water Act* only applies to List A and B because of Section 34 of the General Regulation which states:

> Application of sections 38 to 45 of the Act
>
> **34.** (1) Clause 39 (1) (a), subsections 39 (2) and (4) and sections 40 to 42 of the Act do not apply to a policy set out in a source protection plan unless the plan states that those provisions apply. O. Reg. 246/10, s. 12.
>
> (2) Clause 39 (7) (a), section 43 and subsection 44 (1) of the Act do not apply to a policy set out in a source protection plan unless the plan states that those provisions apply. O. Reg. 246/10, s. 12.
>
> (3) None of the following provisions applies to a policy set out in a source protection plan unless the plan states that the provision applies:
>
> 1. Section 38 of the Act.
> 2. Clause 39 (1) (b) of the Act.
> 3. Subsection 39 (6) of the Act.
> 4. Clause 39 (7) (b) of the Act.
> 5. Section 45 of the Act.
>
> (5) If the Director gives a source protection committee written directions specifying how to comply with subsections (1) to (4), the committee shall comply with the directions. O. Reg. 246/10, s. 12.

As allowed under section 34 (5) of the regulation, directions were issued by the *Clean Water Act* Director for the development of the lists and giving policies legal effect. Therefore, only List A policies (the *Planning Act* significant threat policies) and List B policies (*Planning Act* have regard policies) would not apply to the decisions to make these by-laws. Prescribed Instrument policies (lists C and D) and Part IV of the Act (and thus any significant threat policies associated with Part IV) would continue to operate and nothing proposed in Bill 66 66 would affect the operation of these provisions. Further any other significant threat policies such as those that rely on section 38 of the *Clean Water Act* (such as local education and outreach policies) are not affected by the making of this by-law.

As for Section 59 policies that were included on List A, these have their own force of law in that section 59 operates independent of the policies being included on List A. For example, section 59 continues to be applicable law for the issuance of building permits. Therefore before

applying to construct the buildings that may be part of the manufacturing plant that is the proposed subject of the potential open-for-business by-law section 59 would still operate to require the proponent to obtain a notice from the Risk Management Official to determine if section 57 or 58 apply to the proposal (for example with the proposed manufacturing plant include significant threat activities such as the storage of industrial solvents that is subject to the requirement for a Risk Management Plan).

In short then – making an open-for-business by-law under the new proposed section 34.1 of the *Planning Act* would only be exempted from the significant threat policies that affect *Planning Act* decisions – the application of the other source protection policies in the plan would not be affected and would continue to apply to any proposed development that is the result of the by-law".

Disclaimer

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Annex D

Bill 66

An Act to restore Ontario's competitiveness by amending or repealing certain Acts

Schedule 10
Ministry of Municipal Affairs and Housing

The *Planning Act*
The Schedule amends the Planning Act to add a new section 34.1, which allows local municipalities to pass open-for business planning by-laws. These by-laws involve the exercise of a municipality's powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. A municipality may pass an open-for-business planning bylaw only if it has received approval to do so in writing by the Minister and if criteria as may be prescribed are satisfied. Certain provisions of the Act and other Acts that would ordinarily apply to a by-law passed under section 34 do not apply to an open-for-business planning by-law

The following table includes provisions from the legislation affected by Schedule 10 of Bill 66 66 introduced December 6, 2018:

(6) The following provisions do not apply to an open-for-business planning by-law:

Legislation	Provisions
Planning Act, 1990 **[Subsection 3 (5), Section 24, Subsections 34 (10.0.0.1) to (34), Section 36 and Section 37]**	**<u>Subsection 3 (5)</u>** **Policy statements and provincial plans** (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter, (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

	Section 24 **Public works and by-laws to conform with plan** **24** (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24. **Pending amendments** (2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. 2006, c. 23, s. 12. **Same** (2.1) A by-law referred to in subsection (2), (a) shall be conclusively deemed to have conformed with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect; and (b) is of no force and effect, if the amendment to the official plan does not come into effect. 2006, c. 23, s. 12. **Preliminary steps that may be taken where proposed public work would not conform with official plan** (3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. R.S.O. 1990, c. P.13, s. 24 (3). **Deemed conformity** (4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no

	appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 2017, c. 23, Sched. 5, s. 90. **<u>Subsections 34 (10.0.0.1) to (34)</u>** Land Use Controls and Related Administration **Two-year period, no application for amendment** (10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. 2015, c. 26, s. 26 (1). **Exception** (10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 26 (2). **Consultation** (10.0.1) The council, (a) shall permit applicants to consult with the municipality before submitting applications to amend by-laws passed under this section; and (b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 15 (3). **Prescribed information** (10.1) A person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section shall provide the prescribed information and material to the council. 1996, c. 4, s. 20 (5).

	Other information (10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 15 (4). **Refusal and timing** (10.3) Until the council has received the information and material required under subsections (10.1) and (10.2), if any, and any fee under section 69, (a) the council may refuse to accept or further consider the application for an amendment to the by-law; and (b) the time period referred to in subsection (11) does not begin. 2006, c. 23, s. 15 (4). **Response re completeness of application** (10.4) Within 30 days after the person or public body that makes the application for an amendment to a by-law pays any fee under section 69, the council shall notify the person or public body that the information and material required under subsections (10.1) and (10.2), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 15 (4). **Motion re dispute** (10.5) Within 30 days after a negative notice is given under subsection (10.4), the person or public body or the council may make a motion for directions to have the Tribunal determine, (a) whether the information and material have in fact been provided; or (b) whether a requirement made under subsection (10.2) is reasonable. 2017, c. 23, Sched. 5, s. 93 (1). **Same** (10.6) If the council does not give any notice under subsection (10.4), the person or public body may make a motion under subsection (10.5) at any time after the 30-day period described in subsection (10.4) has elapsed. 2006, c. 23, s. 15 (4).

	Notice of particulars and public access (10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall, (a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application for an amendment to a by-law, accompanied by the prescribed information; and (b) make the information and material provided under subsections (10.1) and (10.2) available to the public. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80. **Final determination** (10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80. **Notice of refusal** (10.9) When a council refuses an application to amend its by-law, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal, (a) to the person or public body that made the application; (b) to each person and public body that filed a written request to be notified of a refusal; and (c) to any prescribed person or public body. 2015, c. 26, s. 26 (3). **Contents** (10.10) The notice under subsection (10.9) shall contain, (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision; and (b) any other information that is prescribed. 2015, c. 26, s. 26 (3). **Written and oral submissions** (10.11) Clause (10.10) (a) applies to,

	(a) any written submissions relating to the application that were made to the council before its decision; and (b) any oral submissions relating to the application that were made at a public meeting. 2015, c. 26, s. 26 (3). **Appeal to L.P.A.T.** (11) Subject to subsection (11.0.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within 150 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*: 1. The applicant. 2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1). **Same, where amendment to official plan required** (11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 210 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1). **Basis for appeal** (11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c.

	23, Sched. 3, s. 10 (1). **Same** (11.0.0.0.3) For greater certainty, council does not refuse an application for an amendment to a by-law passed under this section or a predecessor of this section or fail to make a decision on the application if it amends the by-law in response to the application, even if the amendment that is passed differs from the amendment that is the subject of the application. 2017, c. 23, Sched. 3, s. 10 (1). **Notice of Appeal** (11.0.0.0.4) A notice of appeal under subsection (11) shall, (a) explain how the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1). **Exception** (11.0.0.0.5) Subsections (11.0.0.0.2) and (11.0.0.0.4) do not apply to an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.3). 2017, c. 23, Sched. 3, s. 10 (1). **Use of dispute resolution techniques** (11.0.0.1) If an application for an amendment is refused as described in subsection (11) and a notice of appeal is filed under that subsection, the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (5). **Notice and invitation** (11.0.0.2) If the council decides to act under subsection (11.0.0.1),

	(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and (b) it shall give an invitation to participate in the dispute resolution process to, as many of the appellants as the council considers appropriate, the applicant, if the applicant is not an appellant, and) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (5). **Extension of time** (11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clause (23) (b) is extended to 75 days. 2015, c. 26, s. 26 (5). **Participation voluntary** (11.0.0.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (11.0.0.2) (b) is voluntary. 2015, c. 26, s. 26 (5). ***Consolidated Hearings Act*** (11.0.1) Despite the *Consolidated Hearings Act*, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired. 2006, c. 23, s. 15 (5). (11.0.2) REPEALED: 2017, c. 23, Sched. 3, s. 10 (2). **Time for filing certain appeals** (11.0.3) A notice of appeal under subsection (11) with respect to the refusal of an application shall be filed no later than 20 days after the day that the giving of notice under subsection (10.9) is completed. 2006, c. 23, s. 15 (5). **Restricted appeals, areas of settlement** (11.0.4) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to implement, (a) an alteration to all or any part of the boundary of an area

	of settlement; or (b) a new area of settlement. 2006, c. 23, s. 15 (5). **Restricted appeals, areas of employment** (11.0.5) Despite subsection (11), if the official plan contains policies dealing with the removal of land from areas of employment, there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 15 (5). **No appeal re inclusionary zoning policies** (11.0.6) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to amend or repeal a part of the by-law that gives effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (2). **Withdrawal of appeal** (11.1) If all appeals under subsection (11) are withdrawn, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding or the council may proceed to give notice of the public meeting or pass or refuse to pass the by-law, as the case may be. 1999, c. 12, Sched. M, s. 25 (1); 2017, c. 23, Sched. 5, s. 82. **Information and public meeting; open house in certain circumstances** (12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26), (a) the council shall ensure that, sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council, and at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law; and (b) in the case of a by-law that is required by subsection 26 (9) or is related to a development permit system, the council

	shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under subclause (a) (i). 2006, c. 23, s. 15 (6); 2009, c. 33, Sched. 21, s. 10 (2); 2017, c. 23, Sched. 3, s. 10 (3). **Notice** (13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b), (a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and (b) shall be accompanied by the prescribed information. 2006, c. 23, s. 15 (6). **Timing of open house** (14) The open house required by clause (12) (b) shall be held no later than seven days before the public meeting required under subclause (12) (a) (ii) is held. 2006, c. 23, s. 15 (6). **Timing of public meeting** (14.1) The public meeting required under subclause (12) (a) (ii) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 15 (6). **Participation in public meeting** (14.2) Every person who attends a public meeting required under subclause (12) (a) (ii) shall be given an opportunity to make representations in respect of the proposed by-law. 2006, c. 23, s. 15 (6). **Alternative measures** (14.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws, and if the measures are complied with, clause (10.7) (a) and subsections (12) to (14.2) do not apply to the proposed by-laws, but subsection (14.6) does apply. 2015, c. 26, s. 26 (6). **Same** (14.4) In the course of preparing the official plan, before including alternative measures described in subsection (14.3), the council

	shall consider whether it would be desirable for the measures to allow for notice of the proposed by-laws to the prescribed persons and public bodies mentioned in clause (13) (a). 2015, c. 26, s. 26 (6). **Transition** (14.4.1) For greater certainty, subsection (14.4) does not apply with respect to alternative measures that were included in an official plan before the day subsection 26 (6) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 26 (6). **Information** (14.5) At a public meeting under subclause (12) (a) (ii), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (11) and (19). 2006, c. 23, s. 15 (6). **Where alternative procedures followed** (14.6) If subsection (14.3) applies, the information required under subsection (14.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of proposed zoning by-laws. 2006, c. 23, s. 15 (6); 2015, c. 26, s. 26 (7). **Information to public bodies** (15) The council shall forward to such public bodies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal. R.S.O. 1990, c. P.13, s. 34 (15); 1994, c. 23, s. 21 (5). **Conditions** (16) If the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 23, s. 15 (7). **Same**

	(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed. 2006, c. 23, s. 15 (7). **Same** (16.2) When a prescribed condition is imposed under subsection (16), (a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition; (b) the agreement may be registered against the land to which it applies; and (c) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 23, s. 15 (7). **City of Toronto** (16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (8). **Further notice** (17) Where a change is made in a proposed by-law after the holding of the public meeting mentioned in subclause (12) (a) (ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law. R.S.O. 1990, c. P.13, s. 34 (17); 2006, c. 23, s. 15 (9). **Notice of passing of by-law** (18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the by-law is given in the prescribed manner, no later than 15 days after the day the by-law is passed, (a) to the person or public body that made the application, if any; (b) to each person and public body that filed a written request

	to be notified of the decision; and (c) to any prescribed person or public body. 2015, c. 26, s. 26 (8); 2017, c. 23, Sched. 5, s. 93 (2). **Contents** (18.1) The notice under subsection (18) shall contain, (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision; and (b) any other information that is prescribed. 2015, c. 26, s. 26 (8). **Written and oral submissions** (18.2) Clause (18.1) (a) applies to, (a) any written submissions relating to the by-law that were made to the council before its decision; and (b) any oral submissions relating to the by-law that were made at a public meeting. 2015, c. 26, s. 26 (8). **Appeal to L.P.A.T.** (19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*: 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4). **Basis for appeal** (19.0.1) An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5). **Notice of Appeal**

	(19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5). **No appeal re second unit policies** (19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard relating to such policies. 2016, c. 25, Sched. 4, s. 3 (3). **Exception re Minister** (19.2) Subsection (19.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (3). **No appeal re inclusionary zoning policies** (19.3) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (4), including, for greater certainty, no appeal in respect of any condition, requirement or standard relating to such policies. 2016, c. 25, Sched. 4, s. 3 (4). **Matters referred to in s. 34 (1)** (19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection (1) even if such matter is included in the by-law as a measure or incentive in support of the policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (5); 2017, c. 23, Sched. 3, s. 10 (6). **Exception re Minister** (19.4) Subsection (19.3) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (4). **No appeal re protected major transit station area – permitted uses, etc.** (19.5) Despite subsections (19) and (19.3.1), and subject to subsections (19.6) to (19.8), there is no appeal in respect of, (a) the parts of a by-law that establish permitted uses or the minimum or maximum densities with respect to buildings and structures on lands in a protected major transit

	station area that is identified in accordance with subsection 16 (15) or (16); or (b) the parts of a by-law that establish minimum or maximum heights with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16). 2017, c. 23, Sched. 3, s. 10 (7). **Same, by-law of a lower-tier municipality** (19.6) Subsection (19.5) applies to a by-law of a lower-tier municipality only if the municipality's official plan contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) with respect to the protected major transit station area. 2017, c. 23, Sched. 3, s. 10 (7). **Exception** (19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is required in respect of that parcel. 2017, c. 23, Sched. 3, s. 10 (7). **Exception re Minister** (19.8) Subsection (19.5) does not apply to an appeal by the Minister. 2017, c. 23, Sched. 3, s. 10 (7). **When giving of notice deemed completed** (20) For the purposes of subsections (11.0.3) and (19), the giving of written notice shall be deemed to be completed, (a) where notice is given by publication in a newspaper, on the day that such publication occurs; (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed; (b) where notice is given by personal service, on the day that the serving of all required notices is completed; (c) where notice is given by mail, on the day that the mailing of all required notices is completed; and (d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. R.S.O. 1990, c. P.13,

	s. 34 (20); 1994, c. 23, s. 21 (9); 2015, c. 26, s. 26 (10). **Use of dispute resolution techniques** (20.1) When a notice of appeal is filed under subsection (19), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (11). **Notice and invitation** (20.2) If the council decides to act under subsection (20.1), (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and (b) it shall give an invitation to participate in the dispute resolution process to, as many of the appellants as the council considers appropriate, the applicant, if there is an applicant who is not an appellant, and) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (11). **Extension of time** (20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clause (23) (b) and subsections (23.2) and (23.3) is extended to 75 days. 2015, c. 26, s. 26 (11). **Participation voluntary** (20.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (20.2) (b) is voluntary. 2015, c. 26, s. 26 (11). **When by-law deemed to have come into force** (21) When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the official plan comes into effect. R.S.O. 1990, c. P.13, s. 34 (21); 1994, c. 23, s. 21 (10); 1996, c. 4, s. 20 (8). **Affidavit re no appeal, etc.** (22) An affidavit or declaration of an employee of the municipality

	that notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein. R.S.O. 1990, c. P.13, s. 34 (22); 1996, c. 4, s. 20 (9). **Record** (23) The clerk of a municipality who receives a notice of appeal under subsection (11) or (19) shall ensure that, (a) a record that includes the prescribed information and material is compiled; (b) the notice of appeal, record and fee are forwarded to the Tribunal, within 15 days after the last day for filing a notice of appeal under subsection (11.0.3) or (19), as the case may be, or within 15 days after a notice of appeal is filed under subsection (11) with respect to the failure to make a decision; and (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 3, s. 10 (8). **Withdrawal of appeals** (23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding. 2017, c. 23, Sched. 5, s. 93 (3). **Exception** (23.2) Despite clause (23) (b), if all appeals under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (23) (b) and (c) to the Tribunal. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (4). **Decision final** (23.3) If all appeals to the Tribunal under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council is final and binding. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (5). **Hearing and notice thereof**

	(24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 93 (6). **Restriction re adding parties** (24.1) Despite subsection (24), in the case of an appeal under subsection (11) that relates to all or part of an application for an amendment to a by-law that is refused, or in the case of an appeal under subsection (19), only the following may be added as parties: 1. A person or public body who satisfies one of the conditions set out in subsection (24.2). 2. The Minister. 2006, c. 23, s. 15 (12). **Same** (24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are: 1. Before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council. 2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 5, s. 80. (24.3)-(24.6) REPEALED: 2017, c. 23, Sched. 3, s. 10 (9). **Conflict with *SPPA*** (24.7) Subsections (24.1) and (24.2) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 3, s. 10 (10). **Dismissal without hearing** (25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply: 1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.0.4) do not disclose both of the following: That the existing part or parts of the by-law that would be affected

	by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 3. The Tribunal is of the opinion that, he appeal is not made in good faith or is frivolous or vexatious, the appeal is made only for the purpose of delay, or the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 4. The appellant has not provided the explanation required by subsection (11.0.0.0.4) or (19.0.2), as applicable. 5. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal. 6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 10 (11). **Representation** (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 or 6 of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12). **Same** (25.1.1) Despite the *Statutory Powers Procedure Act* and

	subsection (24), the Tribunal may, on its own initiative or on the motion of the municipality or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 3, s. 10 (13). **Dismissal** (25.2) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (25) or (25.1.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (7). **Powers of L.P.A.T.** (26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 10 (14). **Notice re opportunity to make new decision — appeal under subs. (11)** (26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14). **Same — appeal under subs. (19)** (26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by-law to which the notice of appeal relates is inconsistent

	with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, (a) the Tribunal shall repeal that part of the by-law; and (b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14). **Powers of L.P.A.T. — Draft by-law with consent of parties** (26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Notice to make new decision** (26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14). **Rules that apply if notice received** (26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply: 1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply. 2. The reference to “within 150 days after the receipt by the clerk of the application” in subsection (11) shall be read as “within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received”. 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal, subs. (11) — failure to make decision** (26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which

	the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal, subs. (11) — refusal** (26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order if the Tribunal determines that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal — subs. (19)** (26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal's order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Draft by-law with consent of the parties**

	(26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Same** (26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14). **Specified parties** (26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are: 1. The municipality. 2. The Minister, if the Minister is a party. 3. If applicable, the applicant. 4. If applicable, all appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 10 (14). **Effect on original by-law** (26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed. 2017, c. 23, Sched. 3, s. 10 (14). **Non-application of s. 24 (4)** (26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4). 2017, c. 23, Sched. 3, s. 10 (14).

	Matters of provincial interest (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (24) and the Minister shall identify, (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15). **No hearing or notice required** (28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27). 2004, c. 18, s. 6 (3). **Applicable rules if notice under subs. (27) received** (29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules apply: 1. Subsections (26) to (26.12) do not apply to the appeal. 2. The Tribunal may make a decision as to whether the appeal should be dismissed or the by-law should be repealed or amended in whole or in part or the council of the municipality should be directed to repeal or amend the by-law in whole or in part. 3. The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice. 2017, c. 23, Sched. 3, s. 10 (16). **Action of L.G. in C.** (29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine. 2004, c. 18, s. 6 (3); 2017, c. 23, Sched. 5, s. 93 (8). **Coming into force**

	(30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed under subsection (26.2) or (26.8) or amended under subsection (26.8) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed. 1996, c. 4, s. 20 (13); 2004, c. 18, s. 6 (4); 2017, c. 23, Sched. 3, s. 10 (17). **Unappealed portions** (31) Despite subsection (30), before all of the appeals have been finally disposed of, the Tribunal may make an order providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed. 1993, c. 26, s. 53 (5); 2017, c. 23, Sched. 5, s. 80. **Method** (32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body. 1993, c. 26, s. 53 (5); 1996, c. 4, s. 20 (14); 2006, c. 23, s. 15 (18); 2017, c. 23, Sched. 5, s. 80. **Notice and hearing** (33) The Tribunal may, (a) dispense with giving notice of a motion under subsection (32) or require the giving of such notice of the motion as it considers appropriate; and (b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (9). **Notice** (34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made. 2017, c. 23, Sched. 5, s. 93 (9). **<u>Section 36</u>** **Holding provision by-law** **36** (1) The council of a local municipality may, in a by-law passed

	under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. R.S.O. 1990, c. P.13, s. 36 (1). **Condition** (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1). R.S.O. 1990, c. P.13, s. 36 (2). **Appeal to L.P.A.T.** (3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 150 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order. 2017, c. 23, Sched. 3, s. 11 (1). **Matters of provincial interest** (3.1) Where an appeal is made to the Tribunal under subsection (3), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify, (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 5, s. 94. **No hearing or notice required** (3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1). 2004, c. 18, s. 7 (2). **No order to be made**

	(3.3) If the Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice. 2017, c. 23, Sched. 5, s. 94. **Action of L.G. in C.** (3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine. 2017, c. 23, Sched. 5, s. 94. **Application of subss. 34 (10.7, 10.9-20.4, 22-34)** (4) Subsections 34 (10.7), (10.9) to (20.4) and (22) to (34) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law. R.S.O. 1990, c. P.13, s. 36 (4); 1994, c. 23, s. 22 (2); 1996, c. 4, s. 22; 2009, c. 33, Sched. 21, s. 10 (6); 2017, c. 23, Sched. 3, s. 11 (2). **<u>Section 37</u>** **Increased density, etc., provision by-law** **37** (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. **Condition** (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development. **Agreements** (3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter

	into one or more agreements with the municipality dealing with the facilities, services or matters. **Registration of agreement** (4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37. **Special account** (5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27. **Investments** (6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001*or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27. **Treasurer's statement** (7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27. **Requirements** (8) The statement shall include, for the preceding year, (a) statements of the opening and closing balances of the special account and of the transactions relating to the account; (b) statements identifying, any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year, details of the amounts spent, and) for each facility, service or other matter mentioned in subclause

	(i), the manner in which any capital cost not funded from the special account was or will be funded; and (c) any other information that is prescribed. 2015, c. 26, s. 27. **Copy to Minister** (9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27. **Statement available to public** (10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.
Section 39 of the *Clean Water Act, 2006*	**<u>Section 39</u>** **Effect of plan** **39** (1) A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, municipal planning authority, planning board, other local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the source protection area shall, (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and (b) have regard to other policies set out in the source protection plan. 2006, c. 22, s. 39 (1). **Conflicts re official plans, by-laws** (2) Despite any other Act, the source protection plan prevails in the case of conflict between a significant threat policy or designated Great Lakes policy set out in the source protection plan and, (a) an official plan; (b) a zoning by-law; or (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*. 2006, c. 22, s. 39 (2). **Limitation** (3) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*. 2006, c. 22, s. 39 (3).

	Conflicts re provisions in plans, policies (4) Despite any Act, but subject to a regulation made under clause 109 (1) (h), (i) or (j), if there is a conflict between a provision of a significant threat policy or designated Great Lakes policy set out in the source protection plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the quality and quantity of any water that is or may be used as a source of drinking water prevails. 2006, c. 22, s. 39 (4). **Plans or policies** (5) The plans and policies to which subsection (4) refers are, (a) a policy statement issued under section 3 of the *Planning Act*; (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan; (c) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan; (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan; (e) a growth plan approved under section 7 of the *Places to Grow Act, 2005* and any amendment to the plan; (f) a plan or policy made under a provision of an Act that is prescribed by the regulations; and (g) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario. 2006, c. 22, s. 39 (5); 2009, c. 12, Sched. L, s. 1. **Actions to conform to plan** (6) Despite any other Act, no municipality or municipal planning authority shall, (a) undertake within the source protection area any public work, improvement of a structural nature or other undertaking that conflicts with a significant threat policy

	or designated Great Lakes policy set out in the source protection plan; or (b) pass a by-law for any purpose that conflicts with a significant threat policy or designated Great Lakes policy set out in the source protection plan. 2006, c. 22, s. 39 (6). **Prescribed instruments** (7) Subject to a regulation made under clause 109 (1) (k), (l) or (m), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and (b) have regard to other policies set out in the source protection plan. 2006, c. 22, s. 39 (7). **No authority** (8) Subsection (7) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make. 2006, c. 22, s. 39 (8).
Section 20 of the *Great Lakes Protection Act, 2015*	**Effect of initiative** **Decisions under *Planning Act* or *Condominium Act, 1998*** 20. (1) A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, municipal planning authority, planning board, other local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the area to which an initiative applies shall, (a) conform with designated policies that are set out in the initiative; and (b) have regard to policies described in Schedule 1 that are set out in the initiative and that are not designated policies. **Limitation** (2) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under

	section 47 of the *Planning Act*. **Conflicts re official plans, by-laws** (3) Despite any other Act, an initiative prevails in the case of conflict between a designated policy set out in the initiative and, (a) an official plan; (b) a zoning by-law; or (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*. **Conflicts re provisions in plans, policies** (4) Despite any Act, but subject to a regulation made under clause 38 (1) (d), (e) or (f), if there is a conflict between a provision of a designated policy set out in an initiative and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the ecological health of the Great Lakes-St. Lawrence River Basin prevails. **Plans or policies** (5) The plans and policies to which subsection (4) refers are, (a) a policy statement issued under section 3 of the *Planning Act*; (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan; (c) the Niagara Escarpment Plan continued under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan; (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan; (e) a growth plan approved under the *Places to Grow Act, 2005* and any amendment to the Plan; (f) a plan or policy made under a provision of an Act, if the provision has been prescribed by the regulations; and (g) a plan or policy that has been prescribed by the regulations, or provisions of a plan or policy that have been prescribed by the regulations, that is made by the Lieutenant Governor in Council, a minister of the Crown, or a ministry, board, commission or agency of the

	Government of Ontario. **Actions to conform to initiative** (6) Despite any other Act, no municipality or municipal planning authority shall, (a) undertake, within the area to which an initiative applies, any public work, improvement of a structural nature or other undertaking that conflicts with a designated policy set out in the initiative; or (b) pass a by-law for any purpose that conflicts with a designated policy set out in the initiative. **Comments, advice** (7) If a public body provides comments, submissions or advice relating to a decision or matter described in subsection (8), the comments, submissions or advice shall, (a) conform with designated policies that are set out in an initiative; and (b) have regard to policies described in Schedule 1 that are set out in an initiative and that are not designated policies. **Same** (8) Subsection (7) applies to the following: 1. A decision under the *Planning Act* or the *Condominium Act, 1998* that relates to the area to which the initiative applies. 2. A decision to issue, otherwise create or amend a prescribed instrument that relates to the area to which the initiative applies. 3. Any other matter specified in the initiative. **Prescribed instruments** (9) Subject to a regulation made under clause 38 (1) (g), (h) or (i), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with designated policies that are set out in the initiative; and (b) have regard to policies described in Schedule 1 that are set out in the initiative and that are not designated policies.

	No authority (10) Subsection (9) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make.
Section 7 of the *Greenbelt Act, 2005*	**Decisions to conform to plan** **7** (1) A decision that is made under the *Ontario Planning and Development Act, 1994*, the *Planning Act* or the *Condominium Act, 1998* or in relation to a prescribed matter by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the Greenbelt Plan. 2005, c. 1, s. 7 (1). **Limitation** (2) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act*. 2005, c. 1, s. 7 (2). **Actions to conform to plan** (3) Despite any other Act, no municipality or municipal planning authority shall, within the areas to which the Greenbelt Plan applies, (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Greenbelt Plan; or (b) pass a by-law for any purpose that conflicts with the Greenbelt Plan. 2005, c. 1, s. 7 (3). **Comments, advice** (4) Comments, submissions or advice provided by a minister of the Crown, a ministry, board, commission or agency of the Government of Ontario or a conservation authority established under section 3 of the *Conservation Authorities Act*that affect a planning matter relating to lands to which the Greenbelt Plan applies shall conform with the Greenbelt Plan. 2005, c. 1, s. 7 (4).
Section 6 of the *Lake Simcoe Protection Act, 2015*	**Effect of Plan**

	6 (1) A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed shall, (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (1). **Limitation** (2) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*. 2008, c. 23, s. 6 (2). **Conflicts re official plans, by-laws** (3) Despite any other Act, the Lake Simcoe Protection Plan prevails in the case of conflict between a designated policy set out in the Plan and, (a) an official plan; (b) a zoning by-law; or (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*. 2008, c. 23, s. 6 (3). **Conflicts re provisions in plans, policies** (4) Despite any Act, but subject to a policy described in paragraph 6 of subsection 5 (2), if there is a conflict between a provision of a designated policy set out in the Lake Simcoe Protection Plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails. 2008, c. 23, s. 6 (4). **Plans or policies** (5) The plans and policies to which subsection (4) refers are, (a) a policy statement issued under section 3 of the *Planning Act*; (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan;

	(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan; (d) the Growth Plan for the Greater Golden Horseshoe 2006 approved under section 7 of the *Places to Grow Act, 2005* and any amendment to the Plan; (e) a plan or policy made under a provision of an Act that is prescribed by the regulations; and (f) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, or a ministry, board, commission or agency of the Government of Ontario. 2008, c. 23, s. 6 (5). **Actions to conform to Plan** (6) Despite any other Act, no municipality shall, (a) undertake within the Lake Simcoe watershed any public work, improvement of a structural nature or other undertaking that conflicts with a designated policy set out in the Lake Simcoe Protection Plan; or (b) pass a by-law for any purpose that conflicts with a designated policy set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (6). **Comments, advice** (7) If a public body provides comments, submissions or advice relating to a decision or matter described in subsection (8), the comments, submissions or advice shall, (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (7). **Same** (8) Subsection (7) applies to the following: 1. A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed.

	2. A decision to issue, otherwise create or amend a prescribed instrument that relates to the Lake Simcoe watershed or a prescribed outside area. 3. Any other matter specified by the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (8). **Prescribed instruments** (9) Subject to a policy described in paragraph 9 of subsection 5 (2), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (9). **No authority** (10) Subsection (9) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make. 2008, c. 23, s. 6 (10).
Subsection 31.1 (4) of the *Metrolinx Act, 2006*	**Effect of designated policies** (4) A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that applies in the regional transportation area shall be consistent with the designated policies set out in a transportation planning policy statement. 2009, c. 14, s. 23.
Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*	**Effect of Plan** **7** (1) A decision that is made under the *Planning Act* or the *Condominium Act, 1998* or in relation to a prescribed matter, by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the Oak Ridges Moraine Conservation Plan. 2001, c. 31, s. 7 (1).

	Same (2) Despite any other Act, no municipality or municipal planning authority shall, within the area to which the Plan applies, (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Plan; or (b) pass a by-law for any purpose that conflicts with the Plan. 2001, c. 31, s. 7 (2).
Section 13 of the *Ontario Planning and Development Act, 1994*	**By-laws, etc., to conform to plan** **13** Despite any other Act, if a development plan is in effect, (a) no municipality or local board as defined in the *Municipal Affairs Act* having jurisdiction over the area covered by the plan or in any part of it and no ministry shall undertake any public work, any improvement of a structural nature or any other undertaking within the area covered by the development plan that conflicts with the plan; and (b) no municipality or planning board having jurisdiction in such area shall pass a by-law for any purpose that conflicts with the plan. 1994, c. 23, Sched. A, s. 13; 2002, c. 17, Sched. F, Table.
Subsection 14 (1) of the *Places to Grow Act, 2005*	**Effect of growth plan** **14** (1) A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area. 2005, c. 13, s. 14 (1).
Section 12 of the *Resource Recovery and Circular Economy Act, 2016*	**Consistency with policy statements** **12** (1) Subject to section 13, the following persons and entities shall, when doing the following things, ensure the things are done in a manner that is consistent with all applicable policy statements: 1. A person or entity when exercising a power or performing a

	duty under this Part or Part III, IV or V. 2. A person or entity when exercising a power or performing a duty under an Act mentioned in subsection (2) or a provision mentioned in subsection (3), if the exercise of the power or the performance of the duty relates to resource recovery or waste reduction. 3. A person or entity retained to provide services in relation to another person's responsibilities under section 67, 68, 69 or 70 when performing those services. 4. An owner or operator of a waste management system when engaging in waste management activities. 5. A prescribed person or entity when carrying out prescribed activities related to resource recovery or waste reduction. **List of Acts** (2) The following are the Acts referred to in paragraph 2 of subsection (1): 1. *City of Toronto Act, 2006*. 2. *Condominium Act, 1998*. 3. *Consumer Protection Act, 2002*. 4. *Environmental Assessment Act*. 5. *Environmental Protection Act*. 6. *Municipal Act, 2001*. 7. *Nutrient Management Act, 2002*. 8. *Ontario Water Resources Act*. 9. *Planning Act*. 10. Any prescribed Acts. **List of provisions** (3) The following are the provisions referred to in paragraph 2 of subsection (1): 1. Section 11.6 of the *City of Greater Sudbury Act, 1999*. 2. Section 11.7 of the *City of Hamilton Act, 1999*. 3. Section 12.13 of the *City of Ottawa Act, 1999*. 4. Section 13.6 of the *Town of Haldimand Act, 1999*.

	5. Section 13.6 of the *Town of Norfolk Act, 1999*. 6. A prescribed provision of a prescribed Act. **Interpretation** (4) For the purposes of paragraph 4 of subsection (1), "operator", "owner" and "waste management system" have the same meaning as in Part V of the *Environmental Protection Act*.
Any prescribed provision	