

CITIZENS' GUIDE



OFFICIAL PLANS



IN A SERIES
Updated 2010

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps decide where in our communities homes and factories should be built; where parks and schools should be located; and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

But often we don't see how it affects our lives and property each day. And it often seems confusing. A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures.

The titles of the guides are:

- 1. The Planning Act**
- 2. Official Plans**
- 3. Zoning By-laws**
- 4. Subdivisions**
- 5. Land Severances**
- 6. Ontario Municipal Board**
- 7. Northern Ontario**
- 8. Building Permits**
- 9. The Plan Review and Approval Process**

What is an official plan?

An official plan describes your upper, lower or single-tier municipal council's policies on how land in your community should be used. It is prepared with input from you and others in your community and helps to ensure that future planning and development will meet the specific needs of your community.

An official plan deals mainly with issues such as:

- where new housing, industry, offices and shops will be located
- what services like roads, watermains, sewers, parks and schools will be needed
- when, and in what order, parts of your community will grow
- community improvement initiatives.

Why do you need an official plan?

Your municipality's official plan:

- lets the public know what the municipality's general land use planning policies are
- makes sure that growth is coordinated and meets your community's needs
- helps all members of your community understand how their land may be used now and in the future
- helps decide where roads, watermains, sewers, garbage dumps, parks and other services will be built
- provides a framework for establishing municipal zoning by-laws to set local regulations and standards, like the size of lots and height of buildings
- provides a way to evaluate and settle conflicting land uses while meeting local, regional and provincial interests
- shows council's commitment to the future growth of your community.

What is the official plan process?

Pre-consultation, public meeting and input

When considering an official plan, your local council, planning board or municipal planning authority must ensure that:

- at least one public meeting is held, notice of which must be given at least 20 days ahead of time, usually through local newspapers or by mail
- the approval authority is consulted and given the opportunity to review all supporting information and material
- for the statutory five year official plan review, a special meeting of council that is open to the public, as well as an open house information session and at least one public meeting are held
- adequate information, including a copy of the proposed plan, is made available to the public in advance of the public meeting.

Any person or public body may provide written comments and/or speak at the public meeting about the proposed plan.

The council may consult with agencies, boards, authorities or commissions before making a decision.

When council prepares an official plan, it shall be consistent with the Provincial Policy Statement issued under the Planning Act and conform to, or not conflict, with any applicable provincial plans. The Provincial Policy Statement contains clear, overall policy directions on matters of provincial interest related to land use planning and development. The "shall be consistent with" rule means that a council is obliged to ensure that policies under the Provincial Policy Statement are applied as an essential part of the land use planning decision-making process. It is expected that the council will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances. (See The Planning Act, No. 1 in the series, and the Provincial Policy Statement. Both may be obtained by visiting the Ministry website at: ontario.ca/mah or through the government offices listed at the end of this guide.)

It is also expected that council will update the official plan at least every five years to ensure that the plan implements any changes to the Provincial Policy Statement or provincial plans. The five-year review is also an opportunity to ensure the official plan continues to address local priorities and changing community needs.

An official plan may come into effect in one of two ways:

1. **Plans exempt from approval** - under this process, the Minister of Municipal Affairs and Housing may exempt the official plan and all or some of its proposed amendments from the requirement for approval. The Minister may also authorize upper-tier approval authorities (such as a regional municipality) to exempt any or all lower-tier proposed official plans and amendments from the requirement for approval. Under the exempt system, after the council adopts the plan and/or amendment and gives a notice of adoption, a person or a public body that made an oral submission at the public meeting or made a written submission to council before a decision was made, may appeal the council's decision to adopt to the Ontario Municipal Board within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires.

The Ontario Municipal Board is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See the Ontario Municipal Board, No. 6 in the series.)

2. **Plans not exempt from approval** - under this process, after the council adopts an official plan, it is submitted to the appropriate approval authority to review and make a decision.

Many upper-tier municipalities are the approval authority for lower-tier official plans and amendments. In all other cases, the Minister of Municipal Affairs and Housing is the approval authority. As more upper-tier municipalities have new official plans coming into effect, they become the approval authority for local official

plans and amendments. To find out about the approval authority in your area, contact your municipal or planning board office.

When it submits a proposed official plan to the approval authority to review and make a decision, the municipality is required to provide all the information prescribed by Minister's regulation as well as other additional information which the approval authority may require. The more information provided, the less likely delays will occur in the review.

If the municipality does not provide all the information prescribed by Minister's regulation, the approval authority may refuse to accept or to further consider the official plan. A 180-day time frame for making a decision does not begin until all the information is received by the approval authority. The approval process may take longer than this time frame but if no decision is made within 180 days, the matter could be appealed to the Ontario Municipal Board.

The approval authority makes sure that comments, concerns or suggestions from anyone interested in the plan are considered. This means that there may have to be negotiations with other parties, ministries, local authorities and with members of municipal council and staff.

The approval authority may approve, approve as modified, or refuse to approve all or parts of the official plan and give a notice of decision. A person or a public body that made an oral submission at the public meeting, or made a written submission to council before its decision to adopt the official plan, may appeal the approval authority's decision to the Ontario Municipal Board within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires.

What happens next?

Once an official plan is in effect, it guides all of the municipality's planning decisions. It means that:

- the local council and municipal officials must follow the plan
- all new services, sewer or water mains, for example, must conform to the plan
- all by-laws, including zoning and related by-laws, must conform with the official plan.

Official plans for upper-tier municipalities deal with broad planning issues that affect more than one municipality. All lower-tier official plans and zoning by-laws must conform to the upper-tier plan.

However, an official plan is not set forever. The plan can be changed or amended as the community's needs change.

How can you get involved?

You can take part in planning the future of your community by:

- finding out as much as you can about the proposed official plan
- thinking about how the plan might affect you, your property and your community
- going to any information sessions, including open houses and public meetings that are held to discuss the plan
- giving your opinions at the public meetings or making written submissions to council, one of which you must do in order to qualify for the right to appeal
- working with council and the municipal staff to resolve your concerns.

If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to think about what you said and may make changes before the plan is adopted.

You should be aware that you do not have the right of appeal to the Ontario Municipal Board on most planning applications if you have not made oral submissions at a public meeting or provided council with written submissions before the plan is adopted. (See the Ontario Municipal Board, No. 6 in the series.)

What rights of appeal do you have?

Appeals to the Ontario Municipal Board can be made in four different ways:

1. **An applicant** requesting an official plan amendment, **the Minister** and the appropriate **approval authority** may appeal to the Ontario Municipal Board if the council refuses or fails to act on a request to amend within 180 days of the receipt of a complete application by the municipality. **The notice of appeal should be filed with the municipality.**
2. **Any person or public body** may appeal to the Ontario Municipal Board, if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 180 days of the receipt of the prescribed information by the approval authority. **The notice of appeal should be filed with the approval authority.**
3. **Plans and amendments exempt from approval: An applicant** requesting an official plan amendment, **the Minister, the appropriate approval authority and any person or public body** who made oral submissions at a public meeting or written submissions prior to adoption may appeal the council's adoption within 20 days from the date the notice of adoption is given. **The notice of appeal should be filed with the municipality.**
4. **Plans and amendments not exempt from approval: An applicant** requesting an official plan amendment, **the Minister and any person or public body** who made oral submissions at a public meeting or written submissions prior to adoption may appeal the

approval authority's decision within 20 days from the date the notice of decision is given. **The notice of appeal should be filed with the approval authority.**

In your notice of appeal, you must specify if you are appealing all or part(s) of the official plan or amendment. The appeal must be accompanied by written reasons and the fee required by the Ontario Municipal Board. Generally, appeals are not permitted in the following three circumstances:

1. proposed amendments that would alter the boundary of an "area of settlement" or establish a new "area of settlement"
2. proposed amendments that would remove land from an "area of employment"
3. adopted or approved plans and plan amendments that permit second unit residential dwellings, as well as proposed amendments that would revoke or replace policies that permit second unit residential dwellings.

What are the Ontario Municipal Board's powers relating to appeals?

In cases of appeal, the Ontario Municipal Board will hold a hearing. You will be given the chance to present your case. The Ontario Municipal Board can allow or dismiss your appeal and approve, approve as modified or refuse to approve all or part of the plan or amendment.

The Ontario Municipal Board also has the power to dismiss an appeal without holding a hearing. (See the Ontario Municipal Board, No. 6 in the series.)

Appealing a planning decision to the Ontario Municipal Board is a serious matter. It can take considerable time and effort and in some cases, money, for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days or even weeks.

The Ontario Municipal Board must have regard to the local decision and make its decision based on the facts presented at a hearing. These should generally

be limited to the information and material that were before the municipal council. New information and material can be introduced at a hearing. However, the Ontario Municipal Board may, on its own initiative, or by motion of the municipality or any of the parties, give the council 60 days to reconsider its decision and make a written submission to the Board, if the new information could have materially affected the council's decision.

At least 30 days before a hearing is held, the Minister of Municipal Affairs and Housing can declare that an official plan matter before the Ontario Municipal Board may adversely affect a provincial interest. When such action occurs, after the hearing is held and the Board renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the Board's decision on the matter.

The Ontario Municipal Board also has the discretion to dismiss an appeal if it constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with by the municipality and/or the Ontario Municipal Board. An appeal can also be dismissed by the Ontario Municipal Board if the application before it is substantially different from that which was before council at the time of council's decision.

What is an official plan amendment?

An official plan amendment is a formal document that changes a municipality's official plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners. Most municipalities now charge a fee for processing changes requested by members of the public.

An approved official plan can be reviewed at any time, but each local council is required to revise its official plan not less than every five years from the date the plan came into effect. This ensures the plan is consistent with the Provincial Policy Statement and that it conforms and/or does not conflict with provincial plans, as required. If the plan is not consistent with the Provincial Policy Statement, or does not conform

with provincial plans or conflicts with provincial plans, then the plan is expected to be updated. The five-year review is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. In the case of a five-year review, a special meeting of council must be held that is open to the public, as well as an open house information session and at least one public meeting.

By submitting an application to council, a person or public body may request that an official plan be amended. Council may refuse to accept an application that fails to provide sufficient information or material as prescribed by Minister's regulation and/or set down in the municipal official plan. If a council confirms that an application is incomplete, the applicant should provide the needed information. In case of disagreement, the applicant has 30 days to make a motion to the Ontario Municipal Board for a determination on the matter. The Board's decision is final.

A person or public body that makes oral submissions at a public meeting, or makes written submissions prior to the adoption of an official plan amendment, may appeal a council's decision. However, there are limitations on appeal rights as noted above in the "What rights of appeal do you have?" section. To determine what appeal rights are available to you in respect of a particular official plan amendment, contact your municipal staff or secretary-treasurer of your planning board.

All amendments are proposed, discussed and processed in the same way as the original plan. As discussed earlier, when a council considers an official plan/amendment, it needs to ensure the official plan/amendment is consistent with the Provincial Policy Statement issued under the Planning Act. (See the section – "What is an official plan?" on page 2.)

How do you request an official plan amendment?

If you want to use your property or develop it in a way that conflicts with the municipal official plan, an

amendment to the plan would be needed. You should talk first to the municipal staff. They can let you know if the change is possible, what problems you might encounter and how you should apply.

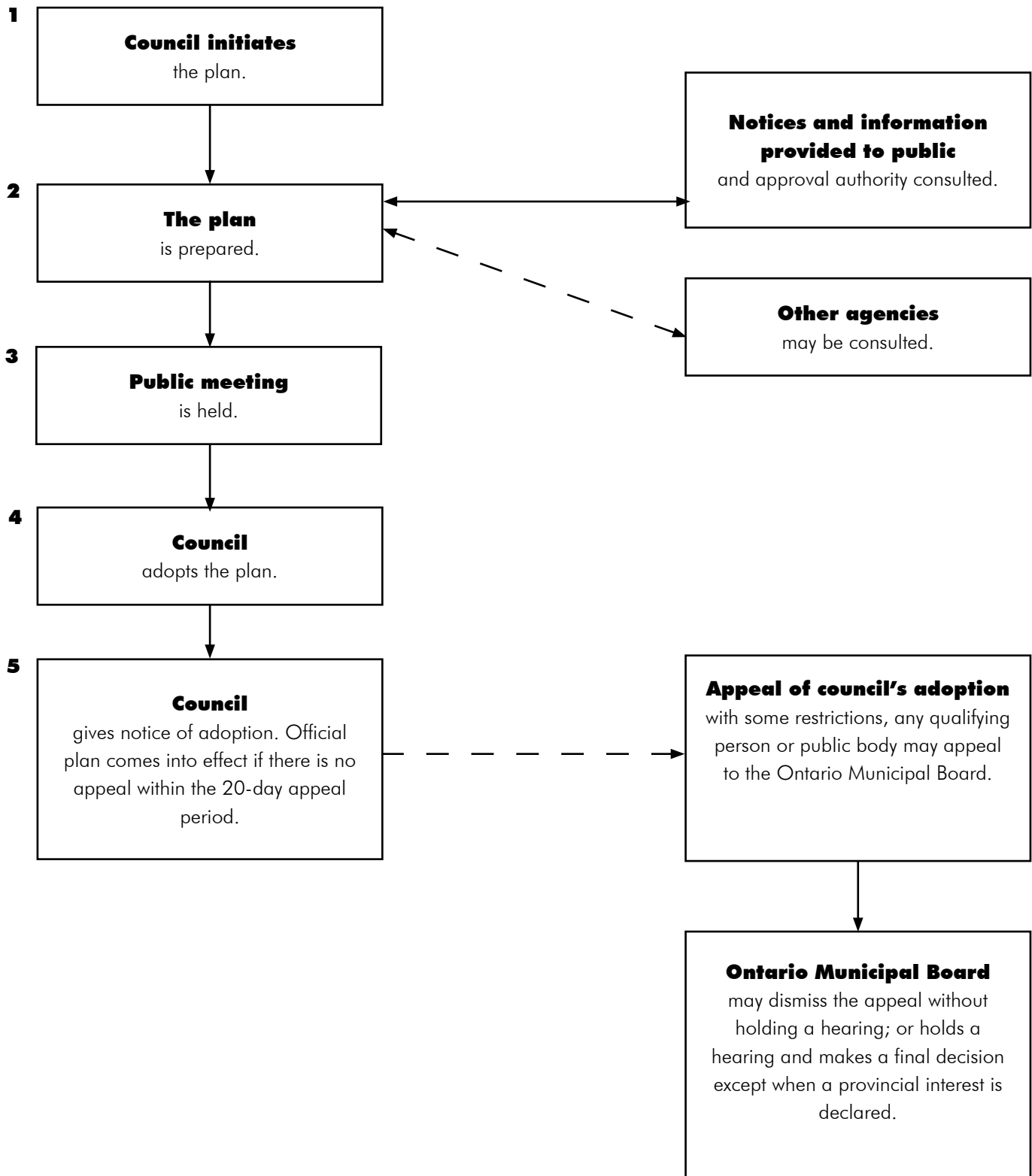
When you apply to amend an official plan, you are required to submit information which is prescribed by Minister's regulation as well as other additional information if set out in the municipal official plan. The more information provided, the less likely delays will occur in the review. Council must review your application within 30 days of its receipt to determine if you have filed a complete application. If council fails to do so, you can make a motion to the Ontario Municipal Board for a determination if the application is complete and if any additional information requested is reasonable. Council may refuse to accept an application that fails to provide sufficient information or material.

If a council confirms that an application is incomplete and the applicant disagrees, the applicant has 30 days to make a motion to the Ontario Municipal Board for a determination on the matter. The Board's decision is final. Contact the municipality if you need help assessing what information is required to make an application complete. If council refuses or fails to act on your request for an official plan amendment within 180 days after the prescribed and municipally requested information and material is submitted, you may appeal to the Ontario Municipal Board by filing a notice of appeal with the municipality. The municipality must send your appeal with the accompanying materials and the appropriate fee to the Ontario Municipal Board within 15 days of the receipt of your appeal.

What about Northern Ontario?

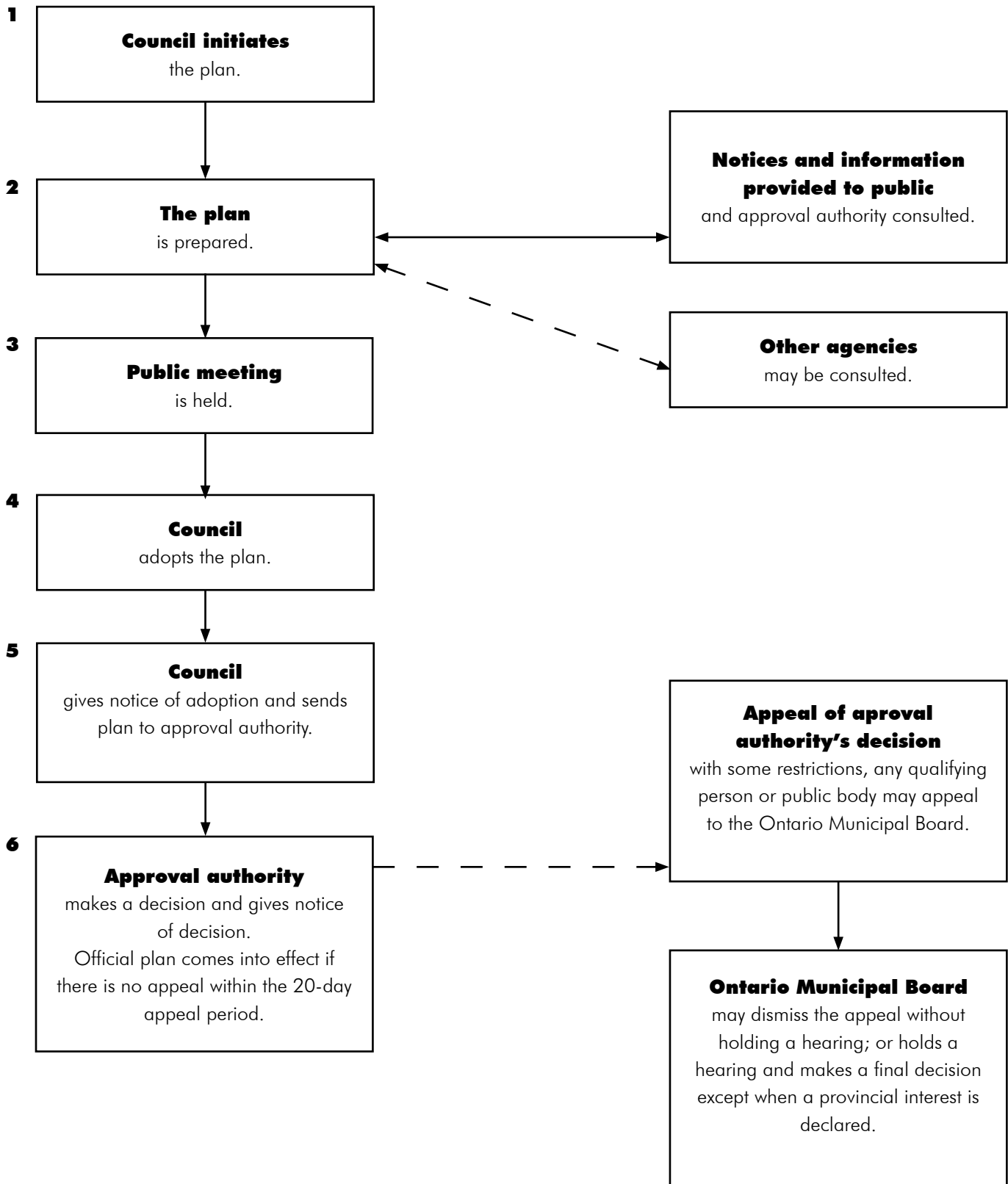
The official plan process is much the same in northern Ontario, but the responsibility for official plans and their administration outside the urban municipalities may be carried out by a planning board. (See Northern Ontario, No. 7 in the series.)

The Official Plan Process (Plans exempt from approval)



This flowchart focuses on the basic process – some steps are not shown

The Official Plan Process (Plans NOT exempt from approval)



This flowchart focuses on the basic process – some steps are not shown

How can you find out more?

For more information about land use planning in your community contact your municipal clerk or planning department. For more information about land use planning in Ontario, or how to obtain copies of Citizens' Guides visit the Ministry of Municipal Affairs and Housing website at: ontario.ca/mah or contact your nearest Municipal Services Office (MSO):

Central Municipal Services Office

777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
General Inquiry: 416-585-6226
Toll Free: 800-668-0230

Western Municipal Services Office

659 Exeter Road, 2nd Floor
London ON N6E 1L3
General Inquiry: 519-873-4020
Toll Free: 800-265-4736

Northwestern Municipal Services Office

435 James Street South, Suite 223
Thunder Bay ON P7E 6S7
General Inquiry: 807-475-1651
Toll Free: 800-465-5027
(Thunder Bay, Kenora, Rainy River)

Eastern Municipal Services Office

8 Estate Lane, Rockwood House
Kingston ON K7M 9A8
General Inquiry: 613-545-2100
(Frontenac, Leeds & Grenville, Lennox & Addington)
Toll Free: 800-267-9438
(Ottawa, Prescott-Russell, Prince Edward, Stormont, Dundas/Glengarry, Kawartha Lakes, Renfrew, Peterborough, Haliburton, Hastings, Lanark, Northumberland)

Northeastern Municipal Services Office

159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
General Inquiry: 705-564-0120
Toll Free: 800-461-1193
(Cochrane, Algoma, Manitoulin, Sudbury, Parry Sound, Nipissing, Timiskaming)

For More Information

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
Provincial Planning Policy Branch (416) 585-6014
Website: ontario.ca/mah

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