

Planning Act

ONTARIO REGULATION 174/16

TRANSITIONAL MATTERS RELATING TO THE SMART GROWTH FOR OUR COMMUNITIES ACT, 2015

Consolidation Period: From June 8, 2016 to the [e-Laws currency date](#).

Note: THIS REGULATION IS NOT YET IN FORCE. It comes into force on July 1, 2016.

No amendments.

This is the English version of a bilingual regulation.

General rule re transition

1. (1) Subject to subsection (2), all matters and proceedings shall be continued and disposed of in accordance with the Act as it read on July 1, 2016.

(2) Subsection (1) does not apply in respect of matters and proceedings provided for in sections 2 to 13 of this Regulation or matters and proceedings that are otherwise provided for in the Act or the regulations made under the Act.

s. 2.1 of the Act

2. (1) For purposes of subsection 17 (34) of the Act, a decision of an approval authority in respect of an official plan, an amendment to it or a repeal of it shall be made in accordance with section 2.1 of the Act, as it read on June 30, 2016, if the record under subsection 17 (31) of the Act was forwarded to the approval authority before July 1, 2016.

(2) A matter or proceeding in respect of which the record was forwarded to the Municipal Board before July 1, 2016 shall be continued and disposed of in accordance with section 2.1 of the Act as it read on June 30, 2016.

(3) For the purposes of subsection (2), in a case where more than one record was forwarded in respect of the matter or proceeding, the applicable date is the date on which the first record was forwarded.

Request for amendment to new official plan, two-year period

3. A request for an amendment to an official plan received before July 1, 2018 shall be continued and disposed of as if subsections 22 (2.1) and (2.2) of the Act were not in force, unless the first day that any part of the official plan came into effect was on or after July 1, 2016.

Application for amendment to new, comprehensive zoning by-law, two-year period

4. An application for an amendment to a zoning by-law received before July 1, 2018 shall be continued and disposed of as if subsections 34 (10.0.0.1) and (10.0.0.2) of the Act were not in force, unless the zoning by-law was passed on or after July 1, 2016.

Application for minor variance, two-year period

5. An application for a minor variance under section 45 of the Act received before July 1, 2018 shall be continued and disposed of as if subsections 45 (1.2) to (1.4) of the Act were not in force, unless the application is for a minor variance from the provisions of a zoning by-law that was passed on or after July 1, 2016 in response to,

- (a) an application by the owner of the land, building or structure affected by the by-law; or
- (b) an application by a person authorized in writing by the owner.

Notice requirements

- 6. If an event described in Column 1 of the Table to this section occurs before July 1, 2016,
 - (a) the provisions of the Act set out opposite the event in Column 2 of the Table apply in respect of the event as those provisions read on June 30, 2016; and
 - (b) the provisions of the Act set out opposite the event in Column 3 of the Table shall be read in respect of the event as if they were not in force.

TABLE

Item	Column 1 Event occurring before July 1, 2016	Column 2 Provisions of the Act that apply as they read on June 30, 2016	Column 3 Provisions of the Act that are read as if not in force

1.	Adoption under subsection 17 (22) of the Act of an official plan, an amendment to it or a repeal of it.	Subsection 17 (23)	Subsections 17 (23.1) and (23.2)
2.	Decision under subsection 17 (34) of the Act in respect of an official plan, an amendment to it or a repeal of it.	Subsection 17 (35)	Subsections 17 (35.1) to (35.3)
3.	Refusal under section 22 of the Act of a request for an amendment to an official plan.	Subsection 22 (6.6)	Subsections 22 (6.7) and (6.8)
4.	Refusal under section 34 of the Act of an application for an amendment to a zoning by-law.	Subsection 34 (10.9)	Subsections 34 (10.10) and (10.11)
5.	Passing under section 34 of the Act of a zoning by-law or an amendment to it.	Subsection 34 (18)	Subsections 34 (18.1) and (18.2)
6.	Decision under section 45 of the Act in respect of an application for a minor variance.	Subsection 45 (8)	Subsections 45 (8.1) and (8.2)
7.	Decision under subsection 51 (31) of the Act in respect of an application for the approval of a plan of subdivision.	Subsection 51 (37)	Subsections 51 (38) to (38.2)
8.	Decision under section 53 of the Act in respect of an application for a consent.	Subsection 53 (17)	Subsections 53 (18) to (18.2)

Appeal re official plan, notice given under s. 17 (23) of the Act

7. (1) This section applies in respect of an appeal under subsection 17 (24) of the Act if the giving of notice under subsection 17 (23) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (24.2), (25) and (45) of the Act, as they read on June 30, 2016, and as if subsections 17 (24.3) to (24.5), (25.1) and (26.1) to (26.4) of the Act were not in force.

Appeal re official plan, notice given under s. 17 (35) of the Act

8. (1) This section applies in respect of an appeal under subsection 17 (36) of the Act if the giving of notice under subsection 17 (35) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of in accordance with subsections 17 (36.2), (37) and (45) of the Act, as they read on June 30, 2016, and as if subsections 17 (36.3), (36.4) and (37.1) to (37.5) of the Act were not in force.

Appeal re official plan amendment where request refused

9. (1) This section applies in respect of an appeal under subsection 22 (7) of the Act with respect to the refusal of a request if the giving of notice under subsection 22 (6.6) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 22 (8.1) to (8.4) of the Act were not in force.

Appeal re amendment to zoning by-law where request refused

10. (1) This section applies in respect of an appeal under subsection 34 (11) of the Act with respect to the refusal of an application if the giving of notice under subsection 34 (10.9) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 34 (11.0.0.1) to (11.0.0.4) of the Act were not in force.

Appeal re passing of zoning by-law, etc.

11. (1) This section applies in respect of an appeal under subsection 34 (19) of the Act if the giving of notice under subsection 34 (18) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of in accordance with subsection 34 (25) of the Act, as it read on June 30, 2016, and as if subsections 34 (19.0.1) and (20.1) to (20.4) of the Act were not in force.

Appeal, decision re plan of subdivision

12. (1) This section applies in respect of,

- (a) an appeal under subsection 51 (39) of the Act, if the giving of notice under subsection 51 (37) of the Act is completed before July 1, 2016; and
- (b) an appeal under subsection 51 (48) of the Act, if the giving of notice under subsection 51 (45) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 51 (49.1) to (49.4) of the Act were not in force.

Appeal, consent

13. (1) This section applies in respect of,

- (a) an appeal under subsection 53 (19) of the Act, if the giving of notice under subsection 53 (17) of the Act is completed before July 1, 2016; and
- (b) an appeal under subsection 53 (27) of the Act, if the giving of notice under subsection 53 (24) of the Act is completed before July 1, 2016.

(2) The appeal shall be continued and disposed of as if subsections 53 (27.1) to (27.4) of the Act were not in force.

14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français

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