

Planning Act

ONTARIO REGULATION 200/96 MINOR VARIANCE APPLICATIONS

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

Last amendment: O. Reg. 175/16.

This is the English version of a bilingual regulation.

1. In this Regulation,

“committee” means the committee of adjustment having jurisdiction in the area in which the subject land is situate; (“comité”)

“hazard distance” means the distance established as the hazard distance applicable to the propane operation referenced in a risk and safety management plan required under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“distance de danger”)

“propane operation” means an operation in respect of which a person is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“installation de propane”)

“propane operator” means a person who is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“exploitant d’une installation de propane”)

“reserve” means a tract of land, the legal title of which is vested in the Crown in Right of Canada, that has been set apart by the Crown for the use and benefit of a First Nation; (“réserve”)

“secretary-treasurer” means the secretary-treasurer of a committee; (“secrétaire-trésorier”)

“subject land” means the land that is the subject of the application for a minor variance or permission under section 45 of the Act. (“terrain visé”) O. Reg. 200/96, s. 1; O. Reg. 471/09, s. 1.

2. The information and material to be provided by an applicant under section 45 of the Act are set out in the Schedule. O. Reg. 200/96, s. 2.

3. (1) At least 10 days before the day of the hearing on an application for a minor variance or permission under subsection 45 (5) of the Act, notice shall be given in compliance with subsection (2) or (4) but need not be given in compliance with more than one of those subsections. O. Reg. 200/96, s. 3 (1); O. Reg. 508/98, s. 1 (1).

(2) Notice under subsection (1) may be given by doing both of the following:

1. Giving notice by personal service or prepaid first class mail to every owner of land within 60 metres of the area to which the application applies. However, if a condominium development is located within 60 metres of the area, notice may be given to the condominium corporation, according to its most recent address for service or mailing address as registered under section 7 of the *Condominium Act, 1998*, instead of being given to all owners assessed in respect of the condominium development.

Note: On July 1, 2016, paragraph 1 of subsection 3 (2) of the Regulation is amended by striking out “prepaid first class mail” and substituting “ordinary mail”. (See: O. Reg. 175/16, s. 1 (1))

2. Posting a notice, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the secretary-treasurer. O. Reg. 200/96, s. 3 (2); O. Reg. 471/09, s. 2.

(3) REVOKED: O. Reg. 508/98, s. 1 (2).

(4) Notice under subsection (1) may be given by publication in a newspaper that, in the opinion of the secretary-treasurer, is of sufficiently general circulation in the area to which the application applies to give the public reasonable notice of the hearing. O. Reg. 200/96, s. 3 (4).

(5) For the purposes of subsection (2), the owner of land shall be deemed to be the person shown on the last revised assessment roll of the municipality or on the current provincial land tax roll at the address shown on the roll. However, if the approval authority is a municipality and the clerk of the municipality has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice. O. Reg. 508/98, s. 1 (3).

(6) Despite subsections (2) and (3), where a zoning by-law restricts the use of the land which is the subject of an application to detached, semi-detached or duplex housing and the application is for a minor variance under subsection 45 (1) of the Act, the committee of adjustment may direct that the area of notification set out in those subsections be reduced to 30 metres. O. Reg. 200/96, s. 3 (6); O. Reg. 432/96, s. 1 (1).

(7) Every person and public body that has given the secretary-treasurer a written request for notice of a hearing on an application for a minor variance or permission under subsection 45 (1) or (2) of the Act shall be given notice of the hearing by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice. O. Reg. 200/96, s. 3 (7); O. Reg. 432/96, s. 1 (2).

Note: On July 1, 2016, subsection 3 (7) of the Regulation is amended by striking out “personal service, prepaid first class mail or telephone transmission of a facsimile of the notice” and substituting “personal service, ordinary mail, fax or email”. (See: O. Reg. 175/16, s. 1 (2))

(8) A written request given under subsection (7) shall show the address of the person or public body. O. Reg. 200/96, s. 3 (8).

Note: On July 1, 2016, subsection 3 (8) of the Regulation is amended by striking out “the address” and substituting “the address, fax number or email address”. (See: O. Reg. 175/16, s. 1 (3))

(9) Notice of a hearing on an application for a minor variance or permission under subsection 45 (5) of the Act shall be given by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice to all of the following persons and public bodies except those who have notified the committee that they do not wish to receive notice:

Note: On July 1, 2016, subsection 3 (9) of the Regulation is amended by striking out “personal service, prepaid first class mail or telephone transmission of a facsimile of the notice” in the portion before paragraph 1 and substituting “personal service, ordinary mail, fax or email”. (See: O. Reg. 175/16, s. 1 (4))

1. The clerk of every local municipality having jurisdiction in the area to which the application applies.
2. The clerk of every county and every regional or district municipality having jurisdiction in the area to which the application applies.

Note: On July 1, 2016, paragraph 2 of subsection 3 (9) of the Regulation is amended by striking out “every county and every regional or district municipality” and substituting “every upper-tier municipality”. (See: O. Reg. 175/16, s. 1 (5))

3. The clerk of the area municipality in the area to which the application applies, if the notice is given by The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury or the County of Oxford.

Note: On July 1, 2016, paragraph 3 of subsection 3 (9) of the Regulation is revoked. (See: O. Reg. 175/16, s. 1 (6))

4. The secretary-treasurer of every planning board or municipal planning authority having jurisdiction in the area to which the application applies.
5. The secretary-treasurer of every conservation authority having jurisdiction in the area to which the application applies.
- 5.1 Every propane operator of a propane operation, if,
 - i. any part of the propane operation’s hazard distance is within the area to which the application applies, and
 - ii. the secretary-treasurer has been notified of the propane operation’s hazard distance by a director appointed under section 4 of the *Technical Standards and Safety Act, 2000*.
6. If the subject land is within or abuts the area covered by the Niagara Escarpment Plan,
 - i. the senior planner of the district office of the Niagara Escarpment Commission having jurisdiction over that land, and
 - ii. the senior planner of the district office of the Niagara Escarpment Commission having jurisdiction over the area that abuts that land.
7. The chief of every First Nation council, if the First Nation is located on a reserve any part of which is within one kilometre of the subject land. O. Reg. 200/96, s. 3 (9); O. Reg. 508/98, s. 1 (4); O. Reg. 471/09, ss. 3, 4.

(10) Notice of a hearing on an application for a minor variance or permission under section 45 of the Act shall be given by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice to the director of the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing, if the director has given the secretary-treasurer a written request to be given notice of hearings on applications for a minor variance or permission. O. Reg. 200/96, s. 3 (10); O. Reg. 508/98, s. 1 (5).

Note: On July 1, 2016, subsection 3 (10) of the Regulation is revoked and the following substituted: (See: O. Reg. 175/16, s. 1 (7))

(10) If the regional director of the Municipal Services Office of the Ministry of Municipal Affairs and Housing that is responsible for the region that includes the municipality or planning area where the subject land is located has given the secretary-treasurer a written request to be given notice of hearings on applications for minor variances or permissions u section 45 of the Act, notice of such a hearing shall be given to the regional director by personal service, ordinary mail, fax or email. O. Reg. 175/16, s. 1 (7).

- (11) Notice of a hearing shall include the following:

Note: On July 1, 2016, subsection 3 (11) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following: (See: O. Reg. 175/16, s. 1 (8))

(11) Notice of a hearing, other than notice given by posting as described in paragraph 2 of subsection (2) or by publishing in a newspaper as described in subsection (4), shall include the following:

1. The date, time and location of the hearing.
2. An explanation of the purpose and effect of the proposed minor variance or permission.
3. A description of the subject land or a key map showing the location of the subject land.

Note: On July 1, 2016, paragraph 3 of subsection 3 (11) of the Regulation is amended by striking out “the location of”. (See: O. Reg. 175/16, s. 1 (9))

4. Where and when additional information regarding the application will be available to the public for inspection.
5. If it is known that the subject land is the subject of an application under the Act or for approval of a plan of subdivision or a consent, a statement of that fact and the file number of the application.

Note: On July 1, 2016, subsection 3 (11) of the Regulation is amended by adding the following paragraph: (See: O. Reg. 175/16, s. 1 (10))

6. If applicable, a request that the notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents. O. Reg. 175/16, s. 1 (8-10).

(12) Despite subsection (11), if notice of a hearing is given by posting on the subject land, the notice shall include the following:

Note: On July 1, 2016, subsection 3 (12) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following: (See: O. Reg. 175/16, s. 1 (11))

(12) Notice that is given by posting as described in paragraph 2 of subsection (2) shall include the following:

1. The date, time and location of the hearing.
2. An explanation of the purpose and effect of the proposed minor variance or permission.
3. Where and when additional information regarding the application will be available to the public for inspection.
4. How to obtain a copy of the written notice of the hearing. O. Reg. 200/96, s. 3 (11, 12).

Note: On July 1, 2016, paragraph 4 of subsection 3 (12) of the Regulation is revoked and the following substituted: (See: O. Reg. 175/16, s. 1 (12))

4. The following statement:

For more information about this matter, contact (*address, email address, website or other location or means by which information may be obtained from the committee*).

Note: On July 1, 2016, section 3 of the Regulation is amended by adding the following subsection: (See: O. Reg. 175/16, s. 1 (13))

(13) Notice of a hearing given by publishing in a newspaper as described in subsection (4) shall include the following:

1. The date, time and location of the hearing.
2. An explanation of the purpose and effect of the proposed minor variance or permission.
3. A description of the subject land or a key map showing the subject land.
4. Where and when additional information regarding the application will be available to the public for inspection.
5. The following statement:

For more information about this matter, contact (*address, email address, website or other location or means by which information may be obtained from the committee*). O. Reg. 175/16, s. 1 (13).

Note: On July 1, 2016, the Regulation is amended by adding the following sections: (See: O. Reg. 175/16, s. 2)

3.1 On receiving a notice of appeal filed under subsection 45 (12) of the Act, the secretary-treasurer of the committee shall, in addition to the information and material required under clauses 45 (13) (a) to (d) of the Act, promptly forward to the Municipal Board the minutes of the hearing. O. Reg. 175/16, s. 2.

3.2 For greater certainty, despite the amendments made to this Regulation by Ontario Regulation 175/16, this Regulation as it read immediately before those amendments came into force continues to apply in respect of a notice given under section 45 of the Act, if it was given before the day Ontario Regulation 175/16 came into force. O. Reg. 175/16, s. 2.

4. OMITTED (REVOKES OTHER REGULATIONS AND PROVIDES FOR TRANSITION). O. Reg. 200/96, s. 4.

5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THE ENGLISH VERSION OF THIS REGULATION). O. Reg. 200/96, s. 5.

SCHEDULE

INFORMATION AND MATERIAL TO BE PROVIDED IN AN APPLICATION UNDER SECTION 45 OF THE ACT

1. The name, address and telephone number of the owner of the subject land and of the agent if the applicant is an agent authorized by the owner.
2. The current designation of the subject land in any applicable official plan.
3. The current zoning of the subject land.
4. The nature and extent of the relief from the zoning by-law.
5. The reason why the proposed use cannot comply with the provisions of the zoning by-law.
6. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number.
7. The frontage, depth and area of the subject land.
8. Whether access to the subject land is by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water.
9. If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.
10. The existing uses of the subject land.
11. Whether there are any buildings or structures on the subject land.
12. If the answer to item 11 is yes, for each building or structure the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure.
13. The proposed uses of the subject land.
14. Whether any buildings or structures are proposed to be built on the subject land.
15. If the answer to item 14 is yes, for each building or structure the type of building or structure, the setback from the front lot line, rear lot line, and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure.
16. The date the subject land was acquired by the current owner.
17. The date the existing buildings or structures on the subject land were constructed.
18. The length of time that the existing uses of the subject land have continued.
19. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
20. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
21. Whether storm drainage is provided by sewers, ditches, swales or other means.
22. If known, whether the subject land is the subject of an application under the Act for approval of a plan of subdivision or a consent.
23. If the answer to item 22 is yes, and if known, the file number of the application and the status of the application.
24. If known, whether the subject land has ever been the subject of an application under section 45 of the Act.
25. A sketch showing the following:
 - i. The boundaries and dimensions of the subject land.
 - ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
 - iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - iv. The current uses on land that is adjacent to the subject land.
 - v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
 - vii. the location and nature of any easement affecting the subject land.
26. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is true.

O. Reg. 200/96, Sched.; O. Reg. 432/96, s. 2.

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