

JOB AID: Smart Growth for Our Communities Act, 2015 – “Before and After” Implementation Checklist

The Smart Growth for Our Communities Act 2015 received Royal Assent on December 3, 2015. The table below highlights the key Planning Act related changes made through the Smart Growth for Our Communities Act, 2015, identifies mandatory and voluntary procedures that municipalities are required / can undertake in order to implement the changes made through the Act, and sets out implementation considerations. The table also identifies which changes came into effect with Royal Assent (December 3, 2015) and which changes came into effect with proclamation (July 1, 2016).

Disclaimer: This table has been prepared as a training tool only. Although the table has been carefully prepared, the Ministry of Municipal Affairs does not guarantee the accuracy or completeness of the information contained in it. The table deals in summarized fashion with complex matters and reflects legislation, policies and practices that are subject to change. The table is not a substitute for specialized legal or professional advice. Users should always refer back to the Planning Act and other relevant documents when making decisions related to land use planning matters.

#	Planning Act Amendment	Leg. Reference	Planning Matters Impacted	Required/ Optional	Previous Planning Act Requirement	Intended Outcomes	Implementation Considerations
Citizen Engagement	1 Planning Advisory Committees (PACs) <ul style="list-style-type: none"> All upper-tier municipalities and those single-tier municipalities in southern Ontario (except Township of Pelee) required to establish PACs All PACs (whether required/discretionary) must have at least one citizen member <p><i>IN EFFECT JULY 1, 2016</i></p>	Section 8	N/A	<p>Required for all upper-tier municipalities and those single-tiers in southern Ontario (except Township of Pelee)</p> <p>Optional for lower-tiers, single-tiers in territorial districts, or Township of Pelee</p> <p>Citizen representation required on all PACs</p>	<p>PACs have been authorized under Planning Act since 1983</p> <p>Municipalities had ability to create PACs, at their discretion</p>	<ul style="list-style-type: none"> Increases use of PACs and ensures citizen representation Ensures that land use advice provided to Councils includes citizen perspectives PACs are advisory committees intended to provide local Councils with advice and another perspective on land use planning proposals Requirement for citizen representation on all PACs ensures that public perspectives are included in advice provided to Council, and helps facilitate greater collaboration and exchange of ideas between Council and public 	<ul style="list-style-type: none"> PACs are intended as advisory committees (i.e., they are not decision-making committees of Council, comprised exclusively of councillors) Municipalities continue to have flexibility / discretion to determine how PACs are most effective within their communities: councils determine which planning matters PACs can review/provide input; municipalities can potentially utilize existing advisory committees to meet requirement for PAC (e.g., heritage committees, etc.); PAC recommendations are not binding All upper-tier municipalities and those single-tier municipalities in southern Ontario (except Township of Pelee) are required to establish PACs Lower-tiers, single-tiers in territorial district, or Township of Pelee, may establish PACs All PACs – whether required or discretionary - require public representation (i.e., at least one citizen member who is not an employee of the municipality or member of municipal council) Councils determine when and what planning matters PACs review Many municipalities already use advisory committees to provide advice to council on matters such as heritage, environment, agriculture, etc. Municipalities can add new responsibilities to existing advisory committees to meet requirement for PACs
	2 Enhanced Requirement to Have Regard to Public Input <ul style="list-style-type: none"> Requirement that the OMB must have regard to all information received by the municipality in adjudicating non-decision appeals and clarification that OMB and approval authorities must have regard to both written and oral submissions received at the municipal level <p><i>IN EFFECT JULY 1, 2016</i></p>	Section 2.1	OP/OPA/ ZBL/ZBA/ Subdivision/ Consent/ Minor Variance	Required	No specific requirement for OMB to have regard to any information, including written and oral submissions received by the municipality from the public, for non-decision appeals	<ul style="list-style-type: none"> Provides certainty of continued relevance of public input made at the municipal level Clarifies that all public input must be considered by the OMB, even in cases of an appeal due to a municipal or provincial non-decision 	<ul style="list-style-type: none"> Change clarifies that all public input at municipal level must be considered by approval authorities and OMB, even in cases of an appeal due to a municipal or provincial non-decision Complements other provisions in Smart Growth for Our Communities Act, 2015 that require municipalities and approval authorities to explain effect of public input on planning decisions Change confirms that “information and material” considered by a municipality / approval authority includes written and oral submissions received from the public and that the OMB shall have regard to these written and oral submissions in its decision-making

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3	Enhanced Alternative Notice Provisions <ul style="list-style-type: none"> Municipalities authorized to expand alternative notice procedures for additional planning matters <i>IN EFFECT JULY 1, 2016</i>	Subsections: 17(19.3)-(19.4.1) 34(14.3)-(14.4.1) 51(19.3.1)-(19.3.3) 53(4.3)-(4.5)	OP/OPA/ ZBL/ZBA/ Subdivision/ Consent	Optional	Alternative notice was allowed for OPAs, ZBLs, ZBAs, CIPs in respect of narrower range of requirements	<ul style="list-style-type: none"> Provides municipalities with increased ability to tailor public notification requirements 	<ul style="list-style-type: none"> Allows municipalities to tailor their notice procedures (e.g. who receives notice, how notice is given, and the timing for public meetings) through the use of the alternative notice provisions for a broader list of processes and application types (including notices of complete application and open houses, and notice procedures for plans of subdivision and consents) Change allows municipalities to develop official plan policies that set out alternative notice procedures; municipalities are required to engage the public in development of alternative notice policies Provides local flexibility, through an official plan public engagement process, to determine whether a departure from provincial requirements is appropriate Any official plan policies providing for alternative notice that were in place prior to the enactment of the new provisions continue to apply
4	Requirement to Explain Effect of Public Input <ul style="list-style-type: none"> Municipalities and approval authorities required to explain effect of public input, if any, on planning decisions <i>IN EFFECT JULY 1, 2016</i>	Subsections: 17(23)-(23.2), 17(35)-(35.2) 22(6.6)-(6.8) 34(10.9)-(10.11), 34(18)-(18.2) 45(8)-(8.2) 51(37)-(38.2) 53(17)-(18.2)	OP/OPA/ ZBL/ZBA/ Subdivision/ Consent/ Minor Variance	Required	No previous requirement for municipalities and approval authorities to explain the effect of the public input on their decision	<ul style="list-style-type: none"> Provides more transparency and consistency in decision-making across all municipalities 	<ul style="list-style-type: none"> Municipalities and approval authorities are required to explain the effect of public input, if any, on planning decisions Notice of decision must now include explanation of effect of public input on council's decision Change complements other provisions in Smart Growth for Our Communities Act, 2015 that enhance the role of the public and their input in the planning process Local discretion in how to explain effect of public input, if any, on land use decisions Existing practices in number of local communities, as well as the Province, can provide guidance on this requirement: <ul style="list-style-type: none"> province routinely provides explanation of effect of public submissions on planning-related decisions through EBR Registry some local decision-makers already incorporate analysis of public submissions into their decision-making process - can be used to help draft enhanced decision notice
5	Requirement to Include Public Consultation Policies in Official Plans <ul style="list-style-type: none"> Municipal official plans must include description of measures and procedures for informing and obtaining views of the public on OPAs, zoning by-laws, plans of subdivision and consents <i>IN EFFECT JULY 1, 2016</i>	Subsections 16(1)-(2)	OPA/ ZBL/ZBA/ Subdivision/ Consent	Required	Municipalities could include public consultation policies in official plans but were not required to do so	<ul style="list-style-type: none"> Highlights importance of public participation Provides public with greater certainty regarding how they will be engaged in the planning process Provides municipalities with opportunity to create locally-tailored consultation policies 	<ul style="list-style-type: none"> Requirement complements changes to various Planning Act regulations which prescribe a public consultation strategy as a required part of complete application Municipalities have ability to tailor official plan policies to meet local context / needs (municipality may decide to add policies to the official plan that simply reflect current legislative requirements if they are determined to be sufficient to address local needs) Municipal official plans need to include descriptions of how the public is to be consulted regarding official plan amendments, zoning by-laws/zoning by-law amendments, plans of subdivision, and consents Municipalities may wish to consider whether or not to make use of expanded alternative notice at the time of developing official plan public consultation policies

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6	<p>PPS Review Cycle- 10 Years</p> <ul style="list-style-type: none"> PPS review cycle changed from 5 to 10 years <p><i>IN EFFECT ON ROYAL ASSENT</i></p>	Subsection 3(10)	N/A	N/A	Requirement to commence a review of PPS at least every five years from the date of issue to determine need for revision	<ul style="list-style-type: none"> Longer review cycle provides a more stable provincial policy framework for municipalities – it often takes years for municipalities to update their official plans to align with a new PPS Harmonizes PPS review cycle with review cycle for provincial plans - 10 year cycle is the standard for provincial plans 	<ul style="list-style-type: none"> Required review of PPS occurs on 10-year basis rather than the previous 5 years Change took effect with Royal Assent (December 3, 2015) Government has discretion to commence a PPS review earlier, should the need arise
7	<p>Requirement to Submit Draft OP/OPA to MMA</p> <ul style="list-style-type: none"> Municipalities required to provide copy of a proposed OP / OPA to MMA at least 90 days prior to notice of public meeting (where MMA is the approval authority and the OP is not exempt from approval) <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections 17(17.1)- (17.2)	OP/OPA	Required (where MMAH is the approval authority and the OP is not exempt from approval)	No specific timeline for submitting draft official plan documents to MMA in advance of a public meeting	<ul style="list-style-type: none"> Ensures an effective, streamlined approval process with provincial comments identified early in the process to allow time to resolve issues prior to adoption Provides more transparency by enabling provincial comments to be available at public meeting 	<ul style="list-style-type: none"> Requirement does not apply to those OP amendments in respect of which notice of public meeting was given within 120 days of the coming into effect of this provision This transition provision will be automatically repealed 121 days after the coming into effect of the provision
8	<p>Upper-/Lower-Tier Conformity</p> <ul style="list-style-type: none"> Prevents certain approvals and appeals of lower-tier OP / s. 26 OPA unless it conforms with upper-tier in effect/adopted OP / s. 26 OPA <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections: 17(34.1)- (34.2) 17(40.2)- (40.4) 21(2)	OP/OPA (s. 26)	Required	Lower-tier municipalities were not restricted in their ability to appeal an upper-tier's non-decision in relation to the lower-tier's OP update or new OP	<ul style="list-style-type: none"> Helps achieve better co-ordination between different levels of government Helps reduce potential for inconsistent policies between upper- and lower-tier municipalities Helps lead to greater certainty of upper-tier policies being implemented by lower-tier municipalities Avoids potential for unnecessary appeals to OMB 	<ul style="list-style-type: none"> Changes prevent: <ul style="list-style-type: none"> approval authority from approving lower-tier OP or OP update if the upper-tier believes that lower-tier OP / OP update does not conform with upper-tier policies appeals of approval authority's non-decisions on lower-tier OP / OP updates if the approval authority has stated an opinion within 180 days of receiving the lower-tier document that it does not conform with the in-effect policies of the upper-tier official plan or those OP policies that have been adopted as part of a new official plan or s. 26 update prior to the expiry of the 180 day The approval authority's opinion of the lower-tier's conformity to the upper-tier plan is not subject to review by OMB Change does not prevent approval authorities from modifying lower-tier official plans to conform with upper-tier official plan

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9	10-Year Review Cycle for New Official Plans <ul style="list-style-type: none"> New Official Plans must be reviewed and revised, as necessary, within 10 years of coming into effect <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections: 26(1)-(1.2) 26(7)	OP	Optional: Municipalities have ability to either amend official plan and be subject to a 5-year review cycle, or prepare a new official plan and be subject to a 10-year review cycle	Municipalities required to update official plans no later than every 5 years	<ul style="list-style-type: none"> Harmonizes with review cycles of PPS and Provincial Plans - allows municipalities to better align their planning documents with provincial plan and PPS updates Longer update cycle allows municipalities to use resources efficiently and provides them more time to engage with stakeholders in the review process - municipalities often invest years of both municipal and community resources in creating official plans Encourages more comprehensive updates and allows more time for monitoring effectiveness of policies once implemented 	<ul style="list-style-type: none"> New official plans to be reviewed and updated no later than 10 years after new OP comes into effect 10-year update cycle applies to new official plans (i.e., repeal and replacement of an OP with a new OP). A 5-year review cycle continues to apply in situations where an official plan is being updated and not replaced in its entirety Municipalities continue to have ability to amend official plan, or prepare a new official plan, at any time prior to the end of 10-year period
10	2-Year “Time-out” – New Official Plans and Zoning By-laws <ul style="list-style-type: none"> No privately-initiated applications to amend a new official plan or zoning by-law for 2 years, unless supported by municipality <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections: 22 (2.1 - 2.2) 34 (10.0.0.1 - 10.0.0.2)	OPA/ZBA	Municipalities continue to have ability to make municipally-initiated amendments and can pass a resolution to allow privately-initiated applications during "time-out"	Privately-initiated amendments to OPs and zoning by-laws permitted at any time	<ul style="list-style-type: none"> Increases stability by affording municipalities the ability to implement their new official plan or zoning by-law without having to contend with immediate requests / pressures for amendments Gives greater control to municipalities 2 year "time-out" is not intended to stop all amendments. Municipalities are able to make amendments they feel are necessary and may allow privately-initiated applications during the "time-out" 	<ul style="list-style-type: none"> 2-year “time-out” only applies to new official plans / new comprehensive zoning by-laws passed within 3 years of new official plan (i.e., when municipality fully repeals any existing official plan and all zoning by-laws in effect in the municipality and replaces them with a new official plan or zoning by-law) No privately-initiated applications to amend a new official plan or zoning by-law are permitted until end of 2-year period (2 years from the first day any part of the official plan takes effect/ zoning by-law is passed), unless municipality passes a resolution to allow them to proceed Municipalities continue to have ability to make municipally-initiated amendments and can pass a resolution to allow applications during "time-out" A resolution can relate to site-specific applications, a class of applications, or applications generally 2-year “time-out” does not apply when municipality makes changes to its official plan through an amendment as part of its 5-year review Any applications proceeding during this “time-out” would be subject to all the normal Planning Act requirements for public meetings, notice and appeal rights
11	New Provincial Interest- Built Form <ul style="list-style-type: none"> Section 2 of Planning Act includes new provincial interest relating to built form – “built form that is well designed, encourages a sense of place, provides for public places that are of high quality, safe, accessible, attractive and vibrant” <p><i>IN EFFECT JULY 1, 2016</i></p>	Section 2	All planning matters	Required	“Built form” was not specifically included as one of the 18 listed provincial interests	<ul style="list-style-type: none"> Land use decision-makers required to have regard to range of provincial interests identified in section 2 of Planning Act, including new provincial interest related to built form Complements provincial land use policies reflected in policy 1.7.1 d) of PPS 2014 	<ul style="list-style-type: none"> Implementation standard for provincial interests – “shall have regard to” New provincial interest complements change in Act requiring municipalities to include built environment policies in official plans

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12	Built Environment Policies in Official Plans <ul style="list-style-type: none"> Requirement for official plans to contain policies related to the built environment <i>IN EFFECT JULY 1, 2016</i>	Subsection 16(1)	OP	Required: Official plans must contain policies related to the built environment	<p>No previous requirement to explicitly include built environment policies in OP's</p> <p>OP's were required to contain policies related to "goals, objectives and policies established to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality"</p>	<ul style="list-style-type: none"> Complements provincial land use policies in PPS 2014 Ensures that built environment policies are incorporated into local official plans 	<ul style="list-style-type: none"> Official plans must now also contain policies related to the built environment: "goals, objectives and policies established to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality" Municipal discretion on how built environment is to be best considered in official plans (no minimum standards for this in Planning Act), but subject to any applicable policies in PPS and provincial plans
13	Protection of Employment Lands <ul style="list-style-type: none"> Municipalities no longer required to revise their employment land policies / designations at time of official plan update <i>IN EFFECT JULY 1, 2016</i>	Previously Subsection 26(1)	OPA	Municipalities have discretion to review their employment land policies at any time	Municipalities were required to revise, by either confirming or amending, their employment land policies and designations at 5-year official plan update. As a result, any party could appeal employment land policies / designations at this time	<ul style="list-style-type: none"> Greater municipal control over preservation of employment lands Helps prevent potential erosion of employment land supply through OMB appeals of employment land policies / designations at 5-year update 	<ul style="list-style-type: none"> Municipalities have greater control over the preservation of their employment lands, as these policies are no longer required to be opened as part of update, and accordingly, would no longer be subject to appeals Municipalities are still encouraged to keep their employment policies and land designations up-to-date

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14	90-Day “Time-Out” for OP / OPA <ul style="list-style-type: none"> Approval authority and adopting municipality / applicant can agree to pause of up to 90 days in 180-day decision timeline for approving Official Plan / OPA <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections 17(40)-(40.1)	OP/OPA	Optional	No previous ability to suspend decision timeframe	<ul style="list-style-type: none"> Provides more time to resolve disputes without the threat of a 3rd party appeal Provides additional time for negotiation, including matters dealing with citizen concerns, prior to a potential OMB appeal Extra time may help to resolve or scope matters that are appealed to the Board 	<ul style="list-style-type: none"> “Time-out” can be initiated any time prior to expiry of the 180-day decision timeline for the approval of an official plan / OPA Either approval authority or applicant/adopting municipality can initiate “time-out” Both parties need to agree to the “time-out” (otherwise, original 180-day timeline continues) “Time-out” starts once either party (approval authority or applicant/adopting municipality) gives written notice to the other before the expiry of the 180-day timeline - once this notice is given, the timeframe is extended in accordance with the notice 90 days is maximum length of “time-out” (can be less), and can only be applied once Either party can terminate “time-out” at any time by giving notice of intention Municipalities decide whether and how they notify other interested parties of the “time-out”. Interested parties and/or members of the public (3rd parties) can contact the municipality to confirm the status of the matter
15	Renaming of Development Permit System (DPS) <ul style="list-style-type: none"> DPS name changed to Community Planning Permit System (CPPS) <p><i>IN EFFECT JULY 1, 2016</i></p>	Section 70.2.1	OP/OPA DP By-law (CPP By-law)	Existing DPS official plan policies / DP by-laws can continue to use previous term and have same force and effect as those policies / by-laws using new CPPS term	System was known as the Development Permit System (DPS)	<ul style="list-style-type: none"> Renaming of DPS ensures system reflects key strengths of the system – i.e., through the system a community is better able to set out their vision for the community, and it provides greater certainty about the form and shape of development Renaming, as well as enhanced promotion and outreach, is intended to increase understanding and uptake of CPPS 	<ul style="list-style-type: none"> Local municipalities encouraged to use CPPS term for consistency and clarity Municipalities with existing DPS policies / DP by-laws can continue to use these (without amendment), and these have same force and effect as those policies/ by-laws using new CPPS term Municipalities with existing DPS policies / by-laws are encouraged to use the new term CPPS when they amend their documents
16	5-Year “Time-Out” for CPPS <ul style="list-style-type: none"> No privately-initiated amendments to CPPS for 5 years, unless supported by municipality <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsection 70.2(2.1)	OP/OPA DP By-law (CPP By-law)	Municipalities continue to have ability to make municipally-initiated amendments and can pass a resolution to allow privately-initiated applications during “time-out”	Applications to amend DPS official plan policies or DP by-law could be made at any time	<ul style="list-style-type: none"> Increases stability by affording municipalities ability to implement their new CPPS without having to contend with immediate requests / pressures for amendments Facilitates implementation of CPPS by limiting amendments for 5 years, unless municipality passes a resolution to allow applications during this period Municipalities continue to have ability to make municipally-initiated amendments 	<ul style="list-style-type: none"> Development continues to be permitted as long as it complied with CPP by-law All privately-initiated applications have to wait until end of 5-year period from the day CPP by-law is passed, unless municipality allows them to proceed during that time (through resolution) Gives greater control to municipalities, while still providing municipal flexibility to allow or make amendments they feel are appropriate Municipalities continue to have ability to make municipally-initiated amendments, and determine local process for deciding which matters proceed as municipally-initiated amendments These amendments are subject to all normal Planning Act requirements for public meetings, notice and appeal rights

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Local Decision Making and Accountability	17	Requiring Use of CPPS <ul style="list-style-type: none"> New authority authorizing MMA Minister or upper-tier municipality to require local municipality to establish CPPS for purposes specified by regulation <i>IN EFFECT JULY 1, 2016</i>	Section 70.2.2	OP/OPA DP By-law (CPP By-law)	New authority authorizing Minister or upper-tier municipality to require local municipality to establish CPPS for purposes specified by regulation	Use of DPS was at municipal discretion	<ul style="list-style-type: none"> New legislative authority helps facilitate implementation of provincial / regional interests (e.g., CPPS could be required in certain areas to support provincial interests such as transit investments) 	<ul style="list-style-type: none"> Use of new legislative authority requires implementing LGIC regulation LGIC regulation would authorize MMA Minister or an upper-tier to require a local municipality to establish the CPPS for specified purposes It is up to local municipality to determine where they establish the system Stakeholder working group may be asked to provide recommendations on implementing CPPS and assist in identifying appropriate areas for CPPS (geographic or criteria-based)
	18	Complete Application Requirements for Official Plan Amendments <ul style="list-style-type: none"> Change to clarify transition - applications for OPAs are subject to previous policies / legislation only if the complete application was made prior to transition date <i>IN EFFECT ON ROYAL ASSENT</i>	Section 22.1	OPA	n/a	n/a	<ul style="list-style-type: none"> Ensures “grandfathered” applications meet certain established complete application tests 	<ul style="list-style-type: none"> Change regarding transition came into force through Royal Assent Change removes potential ambiguity by clarifying that a requested OPA is “transitioned” only if the request included required supporting material prior to the applicable transition date (i.e. only if the complete application was made prior to transition date)
Dispute Resolution	19	No Appeal of Specific Provincial Approvals: <ul style="list-style-type: none"> No appeals of official plans / OPAs that implement specific provincially-approved matters (see last column for details) <i>IN EFFECT JULY 1, 2016</i>	Subsections: 17(24.4)- (24.5) 17(36.4)	OP/OPA	N/A	Most matters, including provincially-approved matters, could be appealed to OMB when being implemented in municipal policy documents	<ul style="list-style-type: none"> Facilitates implementation of provincial interests by eliminating the possibility of appeals where municipalities are simply implementing certain provincially-approved matters into their planning documents i.e., Greenbelt boundaries, source water protection boundaries Facilitates municipal implementation of provincially approved matters by eliminating inappropriate appeals 	<ul style="list-style-type: none"> No appeals of official plans / OPAs that implement specific provincially-approved matters: <ul style="list-style-type: none"> Boundary of a vulnerable area as defined in Clean Water Act, 2006 Boundary of Lake Simcoe watershed Boundary of Greenbelt Area, Protected Countryside or a specialty crop area designated by Greenbelt Plan Boundary of Oak Ridges Moraine Conservation Plan Area Forecasted population and employment growth in accordance with the Growth Plan for the Greater Golden Horseshoe Forecasted population and employment growth in lower-tier official plan in accordance with an allocation in the upper-tier municipality’s official plan that has been approved by the Minister Boundary of an area of settlement in lower-tier official plan to reflect the boundary set out in the upper-tier municipality’s official plan that has been approved by the Minister Applies to OPs and OPAs Increases certainty in the planning process Supports provincial interests Reduces appeals, resulting in cost saving for municipalities and the province

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20	No Appeal of Second Units <ul style="list-style-type: none"> Change removes ability to appeal second unit policies at time of an OP update <i>IN EFFECT JULY 1, 2016</i>	Previously Subsections: 17(24.2) 17(36.2)	OP/ OPA (s. 26)	N/A	Municipal second unit policies included in an update of the official plan could be appealed by any party	<ul style="list-style-type: none"> Change provides municipalities with increased ability to establish second units (e.g., basement apartments) Supports municipalities in their affordable housing initiatives by providing increased municipal control over municipal second unit policies and standards 	<ul style="list-style-type: none"> No appeal of second unit policies at any time Provides municipalities with control over second unit policies and standards
21	No Ability to Appeal Entire New Official Plan <ul style="list-style-type: none"> Changes remove ability for an appellant to appeal an entire official plan <i>IN EFFECT JULY 1, 2016</i>	Subsections: 17 (24.2)-(24.3) 17 (25)(a) 17(36.2)-(36.3) 17(37)(a) 21(1)	OP	N/A	Any party could appeal the entire official plan	<ul style="list-style-type: none"> Helps streamline the land use process and create more certainty Can help avoid costly disputes later in the hearing process Helps allow uncontested policies to come into effect and scope matters before the OMB 	<ul style="list-style-type: none"> This applies when official plans are subject to a full, comprehensive update, resulting in a new official plan; official plan amendments, including s. 26 OPAs, remain appealable in their entirety
22	Limit Open-Ended Appeals for Non-Decisions <ul style="list-style-type: none"> Changes allow approval authorities to establish optional time limit for additional appeals, following an appeal of a non-decision of OPs / OPAs <i>IN EFFECT JULY 1, 2016</i>	Subsection 17(41.1)	OP/OPA	Optional	No ability for approval authorities to create a time limit for additional “non-decision” appeals	<ul style="list-style-type: none"> Helps streamline OMB hearings and allow for focusing of appeals earlier in the process, facilitating effective preparation for hearings 	<ul style="list-style-type: none"> Optional new tool which provides the approval authority, after receiving a notice of appeal, with the option to give a notice establishing a 20-day time limit (i.e., limit the open-ended appeal window) to appeal a non-decision of OPs /OPAs Once 20-day window closes, no additional appeals of non-decisions may be permitted on any part of official plan When municipality uses this new tool, notice needs to be provided to all those that would have received a notice in the case of a decision
23	Clearer Reasons for Appeals <ul style="list-style-type: none"> Appellants need to explain the reasons for an appeal in respect of provincial / local policies - failure to do so means that appellant may not be able to argue issue before OMB <i>IN EFFECT JULY 1, 2016</i>	Subsections: 17 (25.1) 17 (37.1) 17 (45) (c.1) 34 (19.0.1) 34 (25)(b.1)	OP/OPA/ ZBL/ZBA	Appellants submitting an appeal in respect of non-conformity with provincial / local policies must explain the reasons for the appeal	Notice of appeal simply requires reasons for the appeal to be set out	<ul style="list-style-type: none"> Changes help to better scope appeals and provide OMB parties and public with more transparency with regards to what will be raised during Board hearings Provides more specific direction regarding the needed explanation, which can help reduce number of vexatious appeals 	<ul style="list-style-type: none"> If an appellant intends to argue that a by-law or official plan is inconsistent with a provincial policy, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable OP, the appeal letter must explain how the by-law is inconsistent with, fails to conform with, or conflicts with, the other document Complementary change in Planning Act gives OMB ability to dismiss all or parts of an appeal without holding a hearing, if the issues have not been previously identified in appeal letter

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24	Alternative Dispute Resolution (ADR) - 60-day “Time-Out” <ul style="list-style-type: none"> Changes allow council or approval authority to determine, after an appeal is made, if ADR is appropriate prior to sending the appeal record to OMB and extend time for sending record where pursuing ADR <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections: 17(26.1)-(26.4) 17(37.2)-(37.5) 22(8.1)-(8.4) 34(11.0.0.1)-(11.0.0.4) 34(20.1)-(20.4) 51(49.1)-(49.4) 53(27.1)-(27.4)	OP/OPA/ ZBL/ZBA/ Subdivision/ Consent	Optional	ADR could be used to try to resolve planning disputes but the deadline for forwarding the appeal record to the OMB remained unchanged (i.e., 15 days)	<ul style="list-style-type: none"> Helps increase understanding and uptake of ADR as dispute resolution tool Enhances opportunities to resolve disputes locally before appeals are forwarded to OMB – can help avoid potential for lengthy and costly hearings 	<ul style="list-style-type: none"> ADR refers to various techniques used for the settling or scoping of disputes by means other than through litigation, such as conciliation and mediation Notice concerning the ADR must be given to all appellants Invitation to participate in ADR must be given to the applicant, such appellants as are desired and others (e.g., MMAH Minister, approval authority, municipality) If ADR is initiated, a 60-day “time-out” would apply to allow a pause in the process to work out disputes and potentially avoid an OMB hearing The time period to forward appeal record to the OMB would be extended to 75 days (i.e., 60 days for ADR and 15 days to forward the record)
	25	2-year “Time-out” for Minor Variances <ul style="list-style-type: none"> Changes remove ability to apply for a minor variance for 2 years following the passing of an applicant-initiated zoning by-law amendment, unless application is permitted by Council (through resolution) <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections 45(1.2)-(1.4)	Minor Variance	Municipalities continue to have ability to amend zoning by-law at any time and/or to permit privately-initiated applications, through resolution	Applications for minor variances could be made at any time following applicant-initiated ZBA	<ul style="list-style-type: none"> Gives greater control to municipalities Prevents zoning provisions that council determines to be appropriate from being reversed through the minor variance process for 2 years Increases stability by affording municipalities ability to implement site-specific zoning by-laws

#	Planning Act Amendment	Leg. Reference	Planning Matters Impacted	Required/ Optional	Previous Planning Act Requirement	Intended Outcomes	Implementation Considerations
26	Additional Criteria for Minor Variances <ul style="list-style-type: none"> New authority to establish additional criteria through provincial (LGIC) regulation (timing TBD) New authority for municipalities to establish additional criteria through municipal by-laws <i>IN EFFECT JULY 1, 2016</i>	Subsections 45(1.0.1)-(1.0.4)	Minor Variance	If provincial criteria were established, they would have to be applied Municipalities have the option to establish local criteria ; if they were established they would have to be applied	Minor variance applications are subject to the 4 tests set out in s. 45 of Planning Act	<ul style="list-style-type: none"> Helps clarify what constitutes a minor variance Empowers municipalities to establish additional criteria reflective of local context 	<ul style="list-style-type: none"> New authority for province to establish additional minor variance criteria through provincial regulation – legislative changes would be implemented through an LGIC regulation New municipal authority to establish additional minor variance criteria through a municipal by-law that would better respond to the local context If municipal criteria were introduced, the associated by-law would be subject to most of the procedural requirements associated with a zoning by-law, including public meeting and related notice, notice of decision, potential appeal, etc. Committees of Adjustment and OMB would assess applications based on: <ul style="list-style-type: none"> 4 tests in section 45 of Planning Act (the application is minor, is desirable for the appropriate development of the land/building/structure, and meets the general intent and purpose of the official plan and zoning by-law) any additional criteria in LGIC regulation any local criteria established through municipal by-law Government has established a working group to help define what constitutes a minor variance, as this is complex and depends on local context
27	Reporting for Density Bonusing and Parkland Fees <ul style="list-style-type: none"> Municipal treasurers required to provide council with an annual financial statement, that is available to the public, related to density bonusing and parkland monies <i>IN EFFECT JULY 1, 2016</i>	Subsections: 37(5)-(10) 42(17)-(20) 51.1(5) 70.1(1)(24.1)-(24.2)	N/A	Required	Money collected by municipalities subject to the reporting requirements as outlined in the Municipal Act / City of Toronto Act	<ul style="list-style-type: none"> Enhanced transparency and accountability regarding the use of bonusing and parkland monies Greater opportunities for citizens to see how and where fees are spent and to identify any issues to their local politicians 	<ul style="list-style-type: none"> Money collected under section 37 bonusing and parkland dedication provisions of Planning Act will be subject to a detailed financial statement Statements shall be made available to the public Minister may require a copy of the statement on request
28	Alternative Parkland Dedication Rate for Cash-in-lieu Dedications <ul style="list-style-type: none"> Maximum alternative parkland rate changes from 1 ha for every 300 units to 1 ha for every 500 units for cash-in-lieu <i>IN EFFECT JULY 1, 2016</i>	Subsections: 42(6)-6.0.3 51.1(3)-(3.2)	N/A	Required: New maximum alternative parkland rate required for cash-in-lieu payments	Maximum alternative parkland dedication rate was 1 hectare for every 300 units for both land dedications and cash-in-lieu	<ul style="list-style-type: none"> Helps incent acquisition of land for parks, rather than collecting money Can help provide parkland more quickly and address current needs in communities 	<ul style="list-style-type: none"> Maximum rates for parkland dedication are now the following: <ul style="list-style-type: none"> no change to standard rate based on percentage of land in development (e.g., 5% of land – this standard rate has traditionally been used in most communities) alternative rate of 1 ha for every 300 units is retained when land for parks is being provided for cash-in-lieu dedications, alternative rate changes from 1 ha for every 300 units to 1 ha for every 500 units - this new rate will override an existing cash-in-lieu rate that exceeds 1 ha for every 500 units New maximum rate does not apply where payments or arrangements for payments have already been made

Transparency

	#	Planning Act Amendment	Leg. Reference	Planning Matters Impacted	Required/ Optional	Previous Planning Act Requirement	Intended Outcomes	Implementation Considerations
Transparency	29	Parks Plans Requirement <ul style="list-style-type: none"> Requirement for municipalities to develop parks plans, in consultation with school boards and, as appropriate, the public, prior to adopting new / updated alternative parkland official plan policies <p><i>IN EFFECT JULY 1, 2016</i></p>	Subsections: 42(4.1)-(4.3) 51.1(2.1)-(2.3)	OP	Required: Use of new alternative parkland dedication rate requires preparation of parks plan	Parks plans were not required	<ul style="list-style-type: none"> Up-to-date parks plans better position municipalities to strategically plan for parks and be prepared for potential opportunities to acquire park land to meet community needs Provides opportunities to identify and discuss future surplus sites (including school sites) in the community and plan accordingly Municipal consultation with public and school boards on parks plans provides opportunities to identify and discuss future surplus school sites in the community and plan accordingly 	<ul style="list-style-type: none"> Parks Plans are not required: <ul style="list-style-type: none"> if municipalities only use the standard 2% and 5% parkland dedication rates for existing official plans already containing policies dealing with alternative parkland - parks plans are required only at such time as municipality adopts new alternative parkland rate policies in its official plan Municipality required to consult with every school board that has jurisdiction in the municipality when preparing parks plan