

Citizens' Guide 2



Official Plans

May 2018

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps to shape our communities and decide things such as where 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 develop and change 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 change and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

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 following guides are available:

1. [The Planning Act](#)
2. [Official Plans](#)
3. [Zoning Bylaws](#)
4. [Subdivisions](#)
5. [Land Severances](#)
6. [Local Planning Appeal Tribunal](#)
7. [Northern Ontario](#)
8. [Building Permits](#)
9. [The Plan Review and Approval Process](#)

Disclaimer

These guides have been prepared as a resource to help citizens understand how the land use planning system works in Ontario. They summarize complex matters and reflect legislation, policies and practices that are subject to change. The Citizens' Guides should not be relied upon as a substitute for specialized legal or professional advice in connection with activities and decisions pertaining to land use planning. The Citizens' Guides were last updated May, 2018.



What is an official plan?

An official plan describes your upper, lower or single tier municipal council or planning board's policies on how land in your community should be used. It is prepared with input from 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:

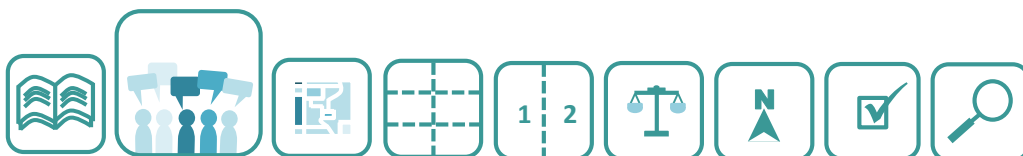
- makes the public aware of the municipality's general land use planning policies
- makes sure that growth is coordinated and meets your community's needs
- helps all members of your community understand how their land may be used now and in the future
- helps decide where roads, watermains, sewers, garbage dumps, parks and other services will be built
- provides a framework for establishing municipal zoning bylaws 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 or planning board 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 official plan update, 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.

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](#) (PPS) issued under the [Planning Act](#) and conform or not conflict with any applicable provincial plans. This means that a council must ensure that policies under the PPS are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that council will implement the PPS in the context of other planning objectives and local circumstances. (See [Guide No.1](#), The Planning Act, and the [PPS, 2014](#).)

Official Plan Update

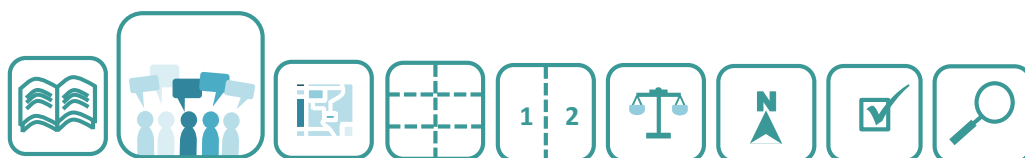
It is expected that council will regularly update the official plan to ensure that the plan implements any changes to the PPS or provincial plans. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. This update should be completed ten years after a municipality prepares a new comprehensive official plan or every five years after an update done through an amendment to the plan.

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 may exempt the official plan and all or some of its proposed amendments from the requirement for provincial 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 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 [Local Planning Appeal Tribunal](#) (LPAT) within the 20-day appeal period. If there is no appeal, the official plan and/or amendment comes into effect on the day after the appeal period expires.

The LPAT is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See [Guide No. 6](#), the Local Planning Appeal Tribunal)



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

All upper-tier municipalities are the approval authority for lower-tier official plans and amendments. In all other cases, the Minister of Municipal Affairs is the approval authority. To find out about the approval authority in your area, contact your municipal or planning board office.

When a municipality submits a proposed official plan to the approval authority to review and make a decision, it 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 210-day timeframe 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 timeframe but if no decision is made within 210 days, the matter could be appealed to the LPAT.

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 LPAT 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. However, there is no appeal of a provincial decision regarding a new official plan or an official plan update where the Minister is the approval authority.

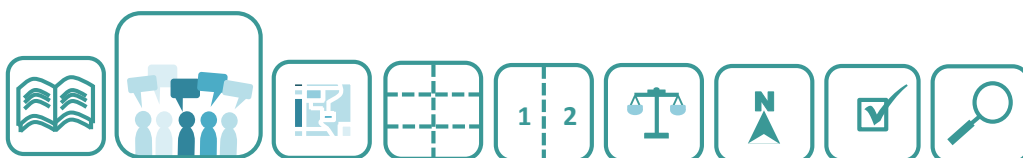
What happens next?

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 bylaws, including zoning and related bylaws, must conform with the official plan.

Single-tier official plans contain policies on how land in your community should be used. Official plans for upper-tier municipalities deal with broad planning issues that affect more than one municipality, while all lower-tier official plans and zoning bylaws must conform to the upper-tier plan.

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.

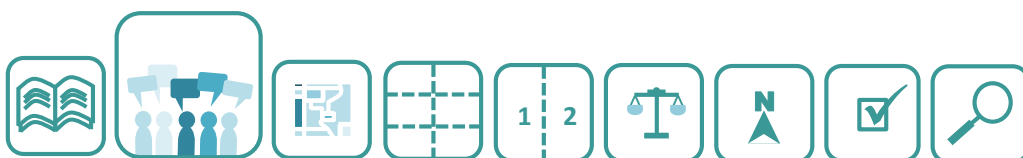
If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to think about what you said and may make changes before the plan is adopted.

You should be aware that you do not have the right of appeal to the LPAT 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.

What rights of appeal do you have?

Appeals to the LPAT 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 LPAT if the council refuses or fails to act on a request to amend within 210 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 LPAT if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 210 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.



The Basis of an Appeal

In your notice of appeal, you must specify the part(s) of the official plan or amendment you are appealing. The appeal must be accompanied by written reasons and the fee required by the LPAT.

Appeals of official plans and amendments that are adopted or approved can only be made on the basis that the decision:

- is inconsistent with the PPS
- does not conform to, or conflicts, with applicable provincial plans, and/or
- does not conform to an applicable upper-tier official plan.

Where the appeal is related to an applicant requested official plan amendment that has been refused or where a municipal council failed to make a decision within the 210 day timeframe, the appeal (by the applicant) can only be made on the basis that:

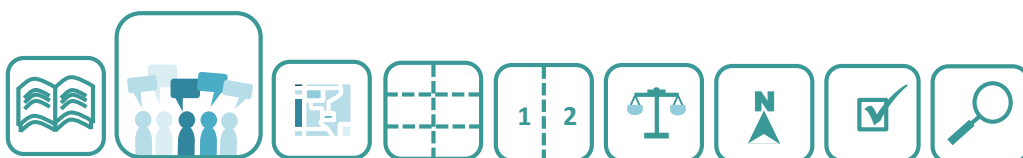
1. The parts of the official plan that would be affected by the requested amendment:
 - are inconsistent with the PPS
 - does not conform to, or conflicts, with applicable provincial plans, and/or
 - does not conform to an applicable upper-tier official plan, and
2. The requested amendment:
 - is consistent with the PPS
 - conforms to, or does not conflict, with applicable provincial plans, and
 - conforms to an applicable upper-tier official plan.

Appeals of the failure of an approval authority to make a decision on an official plan or amendment do not need to set out an explanation for the appeal. Appeals of this nature are not limited to only the consistency/conformity standard of review.

Limitations on Appeals

Generally, appeals are not permitted in the following circumstances:

- refusals or failure to make a decision within 210 days (commonly known as a “non-decision”) on proposed amendments that would alter the boundary of an "area of settlement" or establish a new "area of settlement"
- refusals or non-decisions on proposed amendments that would remove land from an "area of employment" if appropriate official plan policies are in place
- adopted or approved plans and plan amendments that would implement specified provincial priorities, including those that:
 - permit the use of inclusionary zoning
 - permit second unit residential dwellings, as well as proposed amendments that would revoke or replace policies that permit second unit residential dwellings



- designate lands, including uses, and implement transit-supportive densities in a Protected Major Transit Station Area
- implement certain matters with previous provincial approval (e.g., approved source water protection boundaries, [Growth Plan for the Greater Golden Horseshoe](#) employment and population projections, [Greenbelt Plan](#) boundaries)
- Minister’s decisions on new official plans and official plan updates
- non-decisions on adopted lower-tier official plans and updates that the upper-tier municipality has stated do not conform with the upper-tier official plan.

In the case of a new official plan, there is no ability for a person or public body to appeal the entire plan, although any part of the plan can be appealed.

What are the Local Planning Appeal Tribunal’s powers relating to appeals?

In cases of appeal, the LPAT will hold a mandatory case management conference to discuss opportunities for settlement, such as mediation, and may hold a hearing. If a hearing is required, you may be given the chance to provide a summary of your case.

Appealing a planning decision to the LPAT is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

Consistency/Conformity Standard of Review

For most appeals dealing with official plans, the LPAT must focus its assessment and decision on whether a municipal or approval authority decision appropriately implements provincial and/or local plans and policies. This applies to appeals of decisions to approve or refuse an official plan or amendment.

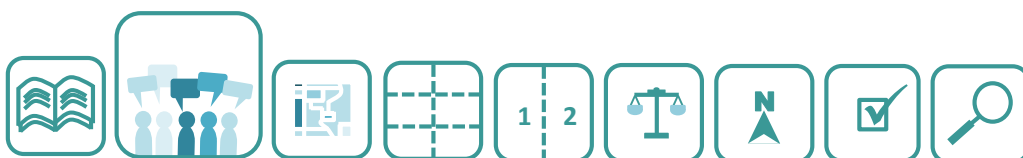
In addition, appeals of a municipal council’s failure to make a decision within the 210 day timeframe for applicant requested official plan amendments are also subject to the consistency/conformity standard of review.

Example: Someone files an appeal of a municipal council’s decision to adopt an official plan amendment.

If the LPAT finds that the municipal decision aligns with provincial and local policies, the appeal will be dismissed and the municipal decision will be final.

If the LPAT determines that the municipal decision does not align with provincial and local policies, the matter will be returned to the municipality to make a new decision.

For an appeal of an approval authority’s non-decision on an official plan amendment, the LPAT has a wider scope of review.



The following chart identifies the types of planning matters subject to appeal, whether the decision or non-decision is appealable and whether the hearing would be subject to the consistency/conformity standard of review.

Planning Matter	Was a Decision Made?	Can the Matter Be Appealed to the LPAT?	Subject to Consistency/Conformity Standard?
New Official Plans and Official Plan Update (s. 26 Updates) approved by Province	Decision	No	n/a
	Non-decision	Yes	No
Official Plan Amendments approved by Province	Decision	Yes	Yes
	Non-decision	Yes	No
Official Plans/ Amendments not approved by Province	Decision	Yes	Yes
	Non-decision	Yes	Yes
Privately-initiated Official Plan Amendments (s. 22(7))	Decision	Yes	Yes
	Non-decision	Yes	Yes

Opportunity to Reconsider

If the LPAT returns the matter back to a municipality because the decision was not aligned with local and provincial policies and plans, the municipality will be able to address any shortcomings, while continuing to have the opportunity to address local matters in making a new decision. When reconsidering a matter returned by the LPAT, a municipality will need to reassess the matter, hold a public meeting and issue a new decision.

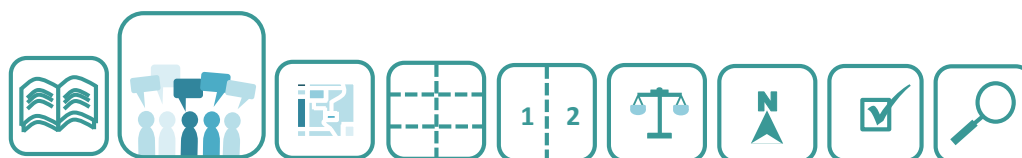
Second Decision

If a municipality makes a new decision after a matter has been returned to them by the LPAT, that second municipal decision will be final unless it is appealed.

If the second decision is appealed, the LPAT will hear the matter and make a determination on whether the municipality's new decision aligns with provincial or local policies. If it does align, the municipal decision will be final. If the decision by the municipality is again inconsistent or does not conform with local or provincial policies, the LPAT will make a final decision on the matter.

Declaration of Provincial Interest

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



Power to Dismiss

The LPAT shall dismiss an appeal in certain circumstances including if the appeal constitutes an abuse of process, such as repeatedly submitting an application that has recently been dealt with by the municipality. Where the consistency/conformity standard of review applies, an appeal shall also be dismissed if the appeal letter does not explain how the appealed decision is inconsistent with the PPS, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable upper-tier official plan.

An appeal may also be dismissed by the LPAT 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?

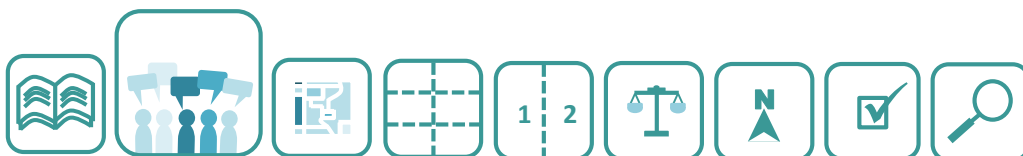
An official plan amendment is a formal document that changes a municipality's official plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners. Most municipalities now charge a fee for processing changes requested by members of the public.

An approved official plan can be reviewed at any time, but each local council is required to update its official plan not less than 10 years from the date the plan came into effect in the case of a new comprehensive official plan. In situations where an official plan is not being replaced in its entirety it should be updated at least every five years. This ensures the plan is consistent with the PPS and that it conforms and/or does not conflict with provincial plans, as required. If the plan is not consistent with the PPS, or does not conform with provincial plans or conflicts with provincial plans, then the plan is expected to be updated. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. In the case of a statutory official plan update, 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 LPAT for a determination on the matter. The LPAT'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 generally 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 PPS issued under the



Planning Act and conform/not conflict with any applicable provincial plan. (See the section – [“What is an official plan?”](#) above.)

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.

You may not be able to apply for an application to amend an official plan if your municipality passed a new comprehensive official plan within the past two years. Your application would be allowed if council has passed a resolution to allow it. The same limitation may also apply to an amendment to a secondary plan. A secondary plan is a land use plan for a particular area of a municipality that is prepared as an amendment to an official plan. Typically, a secondary plan will provide more detailed policies for the area it covers, such as public spaces, parks and urban design.

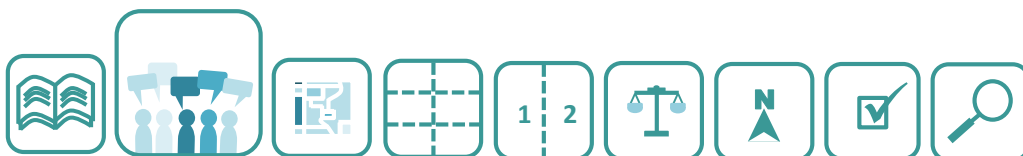
When you apply to amend an official plan, you are required to submit information which is prescribed by Minister's regulation as well as other additional information if set out in the municipal official plan. The more information provided, the less likely delays will occur in the review.

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 LPAT 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 LPAT for a determination on the matter. The LPAT'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 210 days after the prescribed and municipally requested information and material is submitted, you may be able to appeal to the LPAT by filing a notice of appeal with the municipality.

What about Northern Ontario?

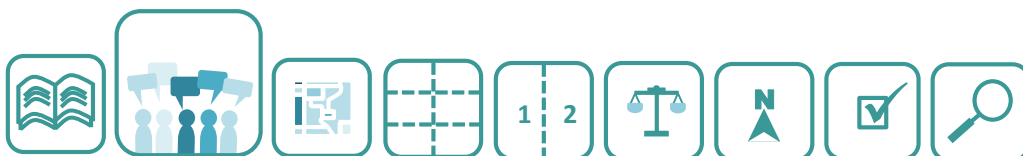
The official plan process is much the same in Northern Ontario, but the responsibility for official plans and their administration outside the urban municipalities may be carried out by a planning board. (See [Guide No. 7](#), Northern Ontario)



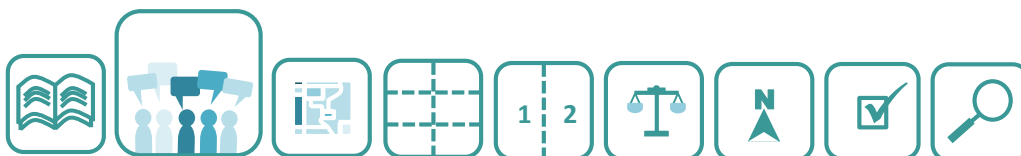
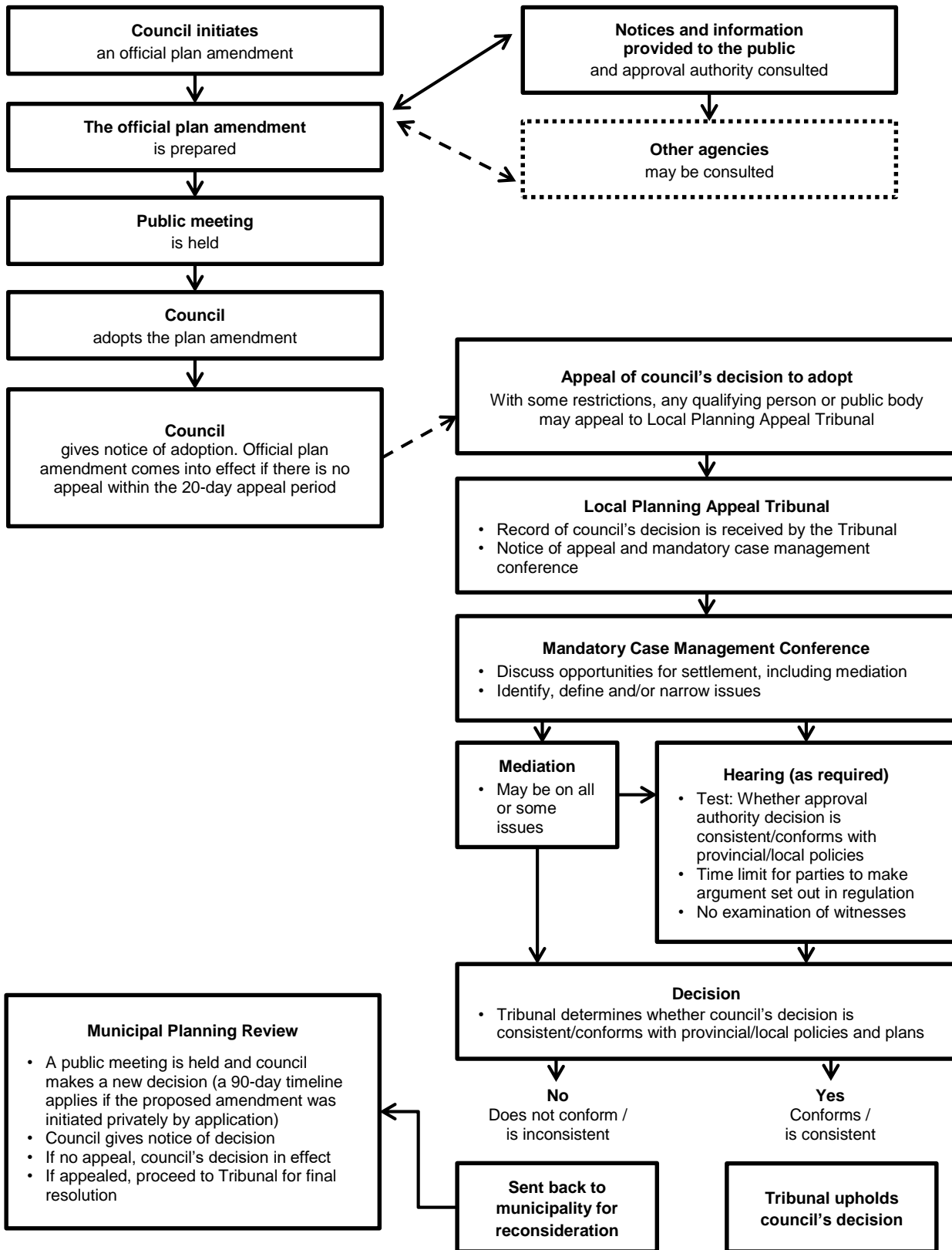
Summary of the Official Plan Amendment Process (Plans exempt from approval)

The following flowchart illustrates the process for municipally-initiated official plan amendments that are exempt from approval. The flowchart focuses on the basic process which includes these key steps:

1. Council initiates the process for an official plan amendment.
2. The proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted.
3. A public meeting is held.
4. Council adopts the official plan amendment.
5. Council gives notice of adoption. The official plan amendment comes into effect if there is no appeal within the 20-day appeal period.
6. Possible appeal to the Local Planning Appeal Tribunal (LPAT): With some restrictions, any qualifying person or public body may appeal council's decision to adopt the official plan amendment to the LPAT.
7. If an appeal is made, the record (e.g. application and supporting material, including all written submissions) of council's decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference.
8. A mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlement, including mediation and to identify, define and/or narrow issues.
9. Mediation can take place on all or some of the issues.
10. If a hearing is required, it will be focused on whether council's decision is consistent or conforms with provincial and local plans and policies.
11. If the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the municipality and ask them to reconsider their decision. Otherwise, the LPAT will uphold council's original decision.
12. If the LPAT sends a matter back to the municipality for reconsideration:
 - The municipality will re-assess the proposed official plan amendment, hold a public meeting, and make a new decision
 - Council will give notice of its decision to adopt the official plan amendment
 - If no appeal is made within the 20-day appeal period, council's decision is in effect
 - However, if the decision is appealed, it would proceed to the Local Planning Appeal Tribunal for final resolution.



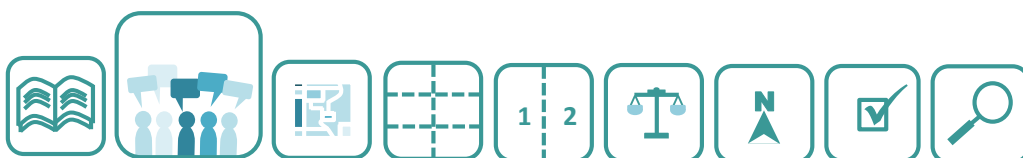
Flowchart: Official Plan Amendment Process (Plans exempt from approval)



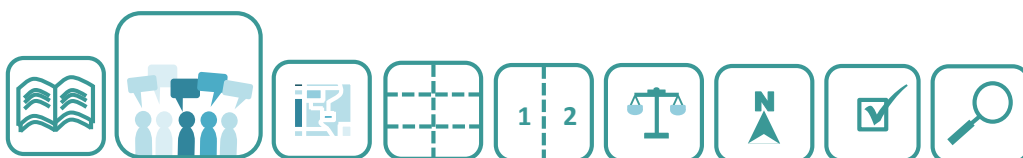
Summary of the Official Plan Amendment Process (Plans NOT exempt from approval)

The following flowchart illustrates the process for municipally-initiated official plan amendments that are NOT exempt from approval. The flowchart focuses on the basic process which includes these key steps:

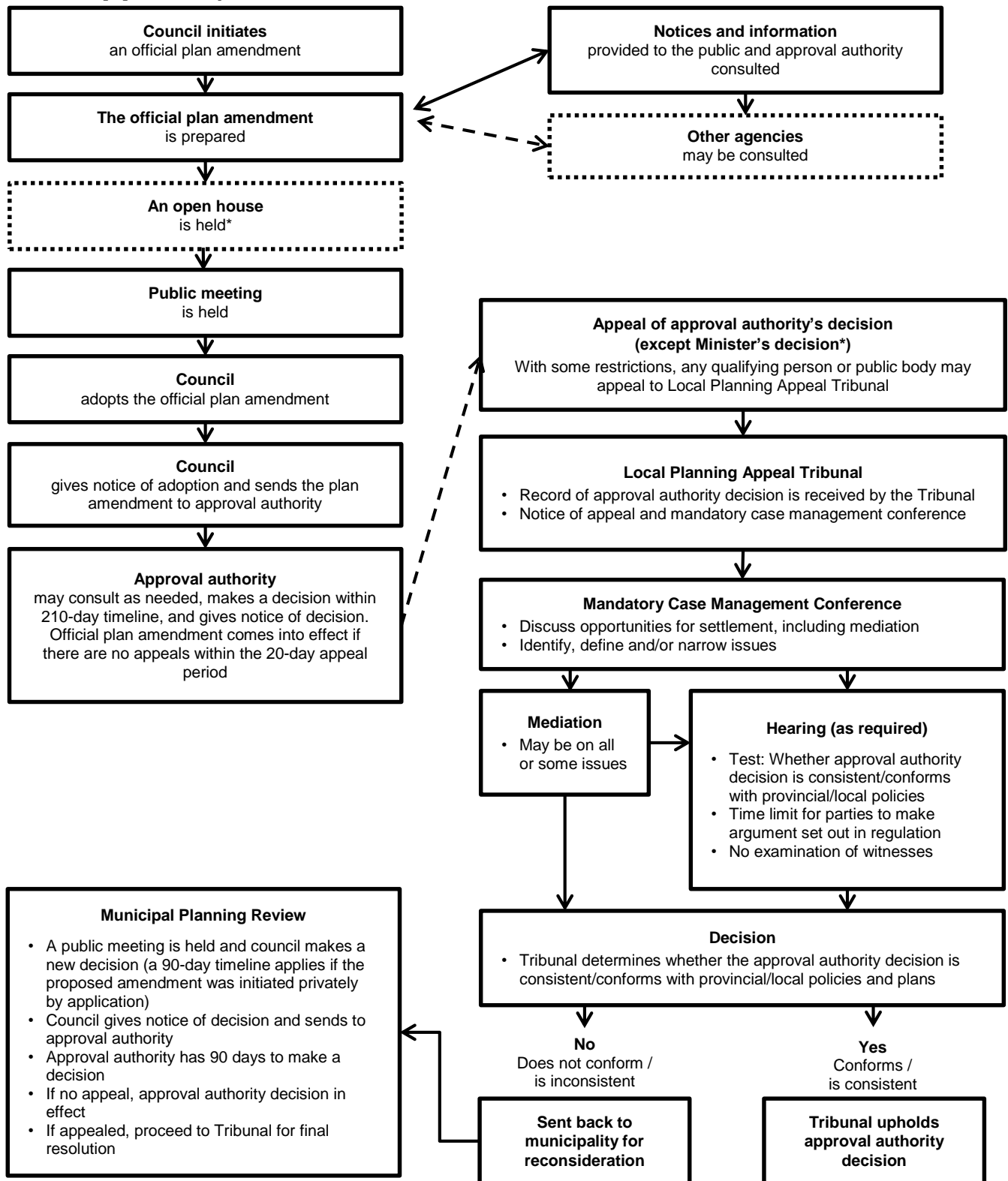
1. Council initiates the process for an official plan amendment.
2. The proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted.
3. If the amendment is an official plan update under section 26 of the Planning Act, such as a statutory official plan review, an open house must be held prior to council holding a public meeting. This step is not required for all other official plan amendments.
4. A public meeting is held.
5. Council adopts the official plan amendment.
6. Council gives notice of adoption and sends the official plan amendment to the approval authority.
7. The approval authority may consult (as needed), makes a decision on the official plan amendment, and gives notice of its decision. The official plan amendment comes into effect if there are no appeals within the 20-day appeal period.
8. Possible appeal to the Local Planning Appeal Tribunal (LPAT): With some restrictions, any qualifying person or public body may appeal the approval authority's decision to the LPAT. However, where the Minister is the approval authority (for matters under section 26 of the Planning Act), there is no ability to appeal the Minister's decision on an official plan update.
9. If an appeal is made, the record of the approval authority's decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference.
10. A mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlement, including mediation and to identify, define and/or narrow issues.
11. Mediation can take place on all or some of the issues.
12. If a hearing is required, it will be focused on whether the approval authority's decision is consistent or conforms with provincial and local plans and policies.
13. If the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the adopting municipality and ask them to reconsider their decision. Otherwise, the Tribunal will uphold the approval authority's decision.
14. If the LPAT sends a matter back to the municipality for reconsideration:



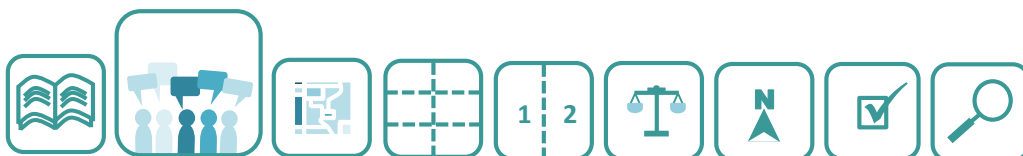
- the municipality will re-assess the proposed official plan amendment, hold a public meeting, and make a new decision
- Council will give notice of its decision to adopt the official plan amendment and send it to the approval authority
- The approval authority has 90 days to review the proposed amendment and make a decision
- If no appeal is made within the 20-day appeal period, the approval authority's decision is in effect
- However, if the decision is appealed, it would proceed to the Local Planning Appeal Tribunal for final resolution.



Flowchart: Official Plan Amendment Process (Plans NOT exempt from approval)



*Applies if the amendment is an official plan update under Section 26 of the Planning Act



How can you find out more?

For more information about land use planning in your community, contact your [municipality](#).

For more information about land use planning in Ontario, contact your nearest [Municipal Services Office](#).

This Guide was produced by the [Ministry of Municipal Affairs](#), Provincial Planning Policy Branch, (416) 585-6014

ISBN 978-1-4868-2234-8 (PDF)

ISBN 978-1-4868-2225-6 (HTML)

