City Planning
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London
CANADA

May 31, 2019

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
College Park, 17th Floor
777 Bay St, Toronto, ON
M5G 2E5

Re: Bill 108 - More Homes, More Choice Act, 2019

Dear Minister Clark,

Please find, attached, the City of London's comments relating to Bill 108 – the More Homes, More Choice Act, 2019. Our Planning and Environment Committee received the attached report and approved that it be forwarded to you. We have several concerns, and are requesting that the Province consider changes to the proposed legislation.

We note that Bill 108 includes some proposed changes that we believe would not explicitly address the issue of affordable housing and may even diminish the opportunity for affordable housing in several ways:

- First, the proposed legislation would restrict the City's ability to implement inclusionary zoning to protected major transit station areas. While these areas are well-served by transit, the need for affordable housing extends beyond these areas, and this limitation would restrict the City's ability to provide for affordable housing in all areas of need.

- Secondly, the City of London would no longer be able to provide affordable housing benefits through bonusing under Section 37 of the *Planning Act*. This would prevent the provision of new affordable units in new housing development in exchange for increased height or density. This could also undermine the City's Official Plan, the London Plan, which has policies that encourage flexibility in building height tied to bonusing.

- Finally, the provision of affordable housing could be affected through the phasing of development charges. Under the proposed changes, a development charges by-law that is written to provide adequate infrastructure for a five year cycle would not collect the fees associated with that growth when the charges would be collected over a six year term. This would cause budgeting issues for the City, and could result in growth-related infrastructure projects needing to be delayed and increased development charge reserve fund debt, which would increase rates in the future.

With respect to proposed changes in the timelines for the consideration of planning matters, the City is concerned that these changes will serve to undermine our engagement efforts that are intended to offer the community a genuine opportunity to engage in the public process. Sufficient consultation time often results in better planning decisions and fewer issues being unresolved

through the application process, which are often the basis of appeals to the LPAT. Shorter timelines may also mean that sufficient information is not made available for Council's, or the public's consideration. This could result in more appeals.

The City does not support the removal of Section 37 of the *Planning Act* (Bonusing) and replacing this section with a new Community Benefits Charge. The lack of clarity surrounding the proposed Community Benefits Charges system and the related changes to parkland dedication requirements will have significant impacts on the future development of the City. The City of London has worked to balance the demand for new, high-quality communities in our city with the assurance that existing taxpayers are not unduly burdened by paying for that growth. The current system allows the City to acquire lands for parkland, and partially pay for the development of those lands through contributions from development charges.

The City has concerns regarding the proposed caps on what these community benefits charges may be, and the process of assessing land values as the basis for these charges. This could further add costs to taxpayers but not accounting for the costs associated with growth.

The City supports the full recovery of costs for the services and infrastructure identified through the proposed amendments to the *Development Charges Act*, but does have concerns regarding matters such as transition and timing to the proposed new regime and uncertainty regarding the costs associated with a six year deferred payment The City also questions the inclusion of industrial, commercial and institutional development as eligible for deferred development charges as supportive of the provision of affordable housing.

The City also notes that the proposed amendments that would remove "soft services" previously considered under the *Development Charges Act* to be considered as part of a community benefits charge under the *Planning Act* may not in fact reduce the total charges to be paid by an applicant, or may not cover the costs of providing those services, thereby transferring the costs arising from growth to the taxpayer.

The City of London has significant concerns about changes to the LPAT. The return to a de novo hearing regime, and the broadening of allowable considerations for appeals beyond consistency with Provincial policy and the City's Official Plan will undermine the role of Council in determining the future growth and development of our communities. The removal of local decision-making authority for planning decisions, and returning to a system that is not open, fair or transparent to the public is a step backwards in the planning process. The City also has concerns regarding the proposed restriction on the parties that can submit appeals weakens the ability for the public to engage in the development process.

The City of London's new Official Plan, the London Plan, was developed through considerable stakeholder engagement. These changes to the appeals process could threaten Council's ability to implement the London Plan, which calls for a more compact and sustainable pattern of development

The City of London has concerns regarding the changes to the *Endangered Species Act*. It is important to protect Endangered and Threatened species in Ontario, regardless of species status elsewhere in Canada or in other countries. Local species contribute to Ontario's biodiversity and many have adaptations and genetic variations unique to the subpopulation that allows them to survive in our climate and separate them from their counterparts elsewhere in Canada. Additionally, the proposed changes that would allow applicants to harm species at risk (SAR) and their habitat provided they pay into a fund which will be allocated for general SAR conservation

are concerning. There is currently no framework around how the fund would be administered or how the money will be used. Many of the species that would be affected are sensitive to habitat disruption, and would not necessarily succeed through relocation efforts.

Changes to the *Ontario Heritage Act* are also of concern. Heritage appeals are proposed to no longer to be considered by way of appeals to the Conservation Review Board, which has expertise in heritage matters, and would now be considered by the LPAT. This will add to an appeals backlog at the LPAT, thus worsening affordability through longer timelines and delays. Other concerns include the proposed appeals process, whereby the first appeal would be to municipal council, followed by a possible appeal to the LPAT. This could further cause delays in the process.

The City of London supports the efforts of the Provincial government in tackling the pressing issue of housing affordability. Some of the proposed changes, such as the deferred payment of development charges for rental and non-profit housing, could help to improve affordability by incentivizing the provision of affordable housing. In addition, permitting an additional accessory dwelling unit can increase affordable housing supply, although the permission of up to three units on a lot could result in issues of over-intensification and incompatibility.

The City of London wishes to work together with the Province to address housing affordability. The City requests that the submission deadline for comments to the ERO be extended so that additional comments may be provided, and that prior to any Regulations being brought into force that the City be provided the opportunity to comment on them.

Sincerely,

John M. Fleming, MCIP, RPP
Managing Director, Planning and City Planner

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File: Bill 108
Planner: J. Lee/B. Morin

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming, MCIP, RPP**
Managing Director, Planning and City Planner
Subject: **Bill 108 – More Homes, More Choice Act, 2019**
Meeting on: **May 27, 2019**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to Bill 108 – More Homes, More Choice Act, 2019:

(a) This report, entitled "Bill 108 – More Homes, More Choices Act, 2019 Update Report" **BE RECEIVED** for information;

(b) This report **BE FORWARDED,** with a cover letter, to the Ministry of Municipal Affairs and Housing for consideration in response to the Environmental Registry of Ontario (ERO) posting of the proposed regulation, noting that the comment period is from May 2, 2019 to June 1, 2019; and

IT BEING NOTED that as of May 14, 2019, Bill 108 was in debate at Second Reading and **IT BEING FURTHER NOTED** that Staff will report back to Council with any further information on legislative changes arising from this Bill.

Executive Summary

This report contains an overview of changes proposed through Bill 108, More Homes, More Choices Act, 2019. The proposed Bill would amend 13 other Acts, including the *Development Charges Act, 1997*, the *Endangered Species Act, 2007*, the *Local Planning Appeal Tribunal Act, 2017*, the *Ontario Heritage Act*, and the *Planning Act*.

Significant concerns with the proposed legislation include:

- Decreasing the timelines for the consideration of planning applications will limit the opportunity to consult with the public, contrary to recent efforts by the City to enhance opportunities for public consultation and engagement.
- Changes to the Development Charges Act would limit the municipal services eligible for funding through development charges and may significantly impact the City's ability to recover growth-related costs.
- Removing bonus zoning as a tool for cities to acquire facilities, services and matters in favour of greater height and density allowances through Section 37 of the Planning Act and creating a new Section 37 that would allow the establishment of a community benefits charge to fund the provision of "soft services" such as libraries, affordable housing and parkland.
- Limitations on parkland dedication when a community benefits charge by-law is adopted will have an impact on the City's ability to secure parkland with new development.
- Permitting, as-of-right, up to two secondary dwelling units in association with any single detached, semi-detached or rowhouse dwelling unit may introduce significant compatibility and fit issues in existing neighbourhoods, representing inappropriate forms of intensification.
- Permitting "de novo" hearings before the Local Planning Appeal Tribunal, reduces the weight of Council's decisions on planning matters and allows for new information to be raised at an LPAT hearing that is not heard or considered by Staff, the community or Council through the planning application review process.

- Limiting the inclusionary zoning to identified protected major transit station areas or as part of a development permit system will potentially limit areas where this tool to provide affordable housing may be used.

The Ministry of Municipal Affairs and Housing is receiving comments on Bill 108's proposed changes until June 1, 2019.

Analysis

1.0 Background

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019. The Bill proposes a number of amendments to 13 different statutes including the *Planning Act,* the *Local Planning Approval Tribunal Act,* and the *Development Charges Act.* Bill 108 proposes to repeal many of the amendments that were introduced in 2017 through Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017.*

The intention of Bill 108 is to address the housing crisis in Ontario by minimizing regulations related to residential development through charges to various Acts related to the planning process, including reducing fees related to development by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. Bill 108 passed the First Reading stage on May 2, 2019 and has been debated at the Second Reading stage on May 8, 9, 13, and 14 2019.

This report is an overview of Bill 108, including a description of the range of the proposed amendments related to planning and development including:

- The *Planning Act*
- The *Local Planning Approval Tribunal Act*
- The *Ontario Heritage Act*
- The *Development Charges Act*
- The *Conservation Authorities Act*
- The *Environmental Assessment Act*
- The *Endangered Species Act*

This report will be forwarded to the province, together with a summary cover letter, to express Council's concerns with Bill 108, while it is open for input through the EBR process.

2.0 Proposed Changes, Considerations and Concerns

2.1 Significantly Reduced Timelines for Council Decisions on Planning Matters (including planning applications)

Bill 108 proposes significant reductions in timelines for a variety of planning application types. This will reduce Council's opportunity to engage the public in such applications and may also lead to more appeals to the LPAT, based on a non-decision within the prescribed timeline, moving the decision-making on such applications to the LPAT rather than at the Municipal Council level.

- Zoning Bylaw Amendments: The current timeline is 150 days. Through Bill 108, it would be reduced to 90 days, a reduction of approximately 2 months.

- Official Plan Amendments: The current timeline is 210 days. It is proposed to be lowered to 120 days, a reduction of approximately 3 months.
- Zoning Bylaw Amendments with Official Plan Amendments: The current timeline is 210 days. It is proposed to be reduced to 120 days, a reduction of approximately 3 months.
- Subdivisions: The current timeline is 180 days. It is proposed to be reduced to 120 days, a reduction of approximately 2 months.

Section	Proposed changes	Concerns or issues	Recommendations
S. 17, 22, 24	Timeline for official plans and amendments reduced to 120 days.	Reduced timelines can compress or streamline the review of applications and make decisions based on limited information. Compressed timelines also limit opportunities for public consultation.	Retain the current timelines for decisions to encourage a more open and consultative decision process.
S. 34, 36	Timeline for zoning by-laws and amendments reduced to 90 days.		
S. 51	Timeline for plans of subdivision reduced to 120 days.		

2.2 Major Changes to the Recently Created LPAT (Local Planning Appeals Tribunal)

Bill 108 proposes significant amendments to the practice and procedure of the Local Planning Appeal Tribunal (LPAT) set out in Part VI of the LPAT Act. Recent changes meant that Council's decisions carried more weight and appeals to such decisions were limited to arguments relating to non-conformity with the City's Official Plan or non-conformity with the Provincial Policy Statement. This opens Council's decisions on planning matters up to a much wider range of appeals. It also opens the door to new evidence being submitted at LPAT hearings that wasn't considered at the Council decision stage. This raises concerns that applicants may hold back information through the planning process, only to raise such information at the LPAT hearing stage, when the public and Council are no longer involved.

- Replacement of a two-step appeal process with a single ("de novo") hearing where the Tribunal would have the power to make final determinations on appeals;
- Hearings are to be "de novo". New information not reviewed by Council as part of its decision on a planning matter may be presented at the Tribunal
- Third party appeals on non-decisions that are now open to anyone who provides written or oral submissions through the planning process will be restricted.
- Tests in deciding whether an appeal should be heard will no longer be limited to non-conformity to the Provincial Policy Statement and the City's Official Plan.
- New power for the Tribunal to require mediation or other dispute resolution processes by parties in specific circumstances;
- New ability for the Tribunal to limit any examination or cross-examination of witnesses and consider new evidence at hearings;
- Limitation of submissions by non-parties to a proceeding before the Tribunal to written submissions only;

New subsection 43.1 sets out transitional regulations respecting Planning Act appeals.

Bill 108 also proposes significant amendments to the Tribunal's powers prescribed in the *Planning Act* to:

- Broaden the jurisdiction of the Tribunal over planning matters (e.g. official plans, zoning by-laws and amendments) and authorize the Tribunal to make final determinations on appeals of such matters;

- Provide the Tribunal with authority to dismiss all or part of an appeal without hearings;
- Limit the right of third party to appeal approval authority decisions of plans subdivision and non-decisions of official plans and amendments

Section	Proposed changes	Concerns or issues	Recommendations
OPA: S. 17 (45), S. 34 (25), (26), S. 51 (53) **OHA:** S. 29 (15) - (17)	Two-step appeal process is replaced by a single hearing. LPAT has a new power to make final determinations on planning matters (or designation of heritage properties), without having to send decisions back to municipal councils for a second decision.	The LPAT will override municipal decisions regardless of Council's position on the development file. - weakens municipal decision-making authority.	Retain the current two-step appeal process so municipalities maintain their powers to make final decisions.
S. 38-42 (repealed)	The LPAT is no longer bound to consider appeals based on consistency with provincial plans and policy and conformity with official plans.	LPAT decisions could fail to achieve the goals of provincial or official plans.	Retain the current grounds for appeals to ensure that applications/appeals are consistent with provincial plans and conform to official plans.
S. 17 (40), S. 51 (39), (43), (48.3)	Any person or public body can no longer appeal decisions made by an approval authority for plans of subdivision and non-decisions for official plan amendment applications. Certain public bodies can appeal decisions.	Removes the right of certain persons to appeal a decision of the Tribunal.	Retain the right of appeal for those who participate in the planning approval process.

2.3 Major Restrictions on Application of Inclusionary Zoning

Bill 108 proposes that inclusionary zoning would be permitted in only two specified areas:

- protected major transit station areas; and

- areas that are subject to a development permit system, established by an order of the Minister of Municipal Affairs and Housing in accordance with amended subsection 70.2.2 (1).

This represents a major step "backwards" from the current legislation, and significantly restricts municipality's ability to apply inclusionary zoning to increase the supply of affordable housing.

Section	Proposed changes	Concerns or issues	Recommendations
S. 16 (5)	Inclusionary zoning would be limited to areas around protected	Inclusionary zoning provisions can only be	Extend applicable areas to permit the use of inclusionary zoning in

	major transit station and development permit system areas.	utilized in limited situations.	other areas of the municipality where a development permit system is not in place.

2.4 Secondary Dwelling Units

A secondary dwelling unit is currently permitted in any single detached house, semi-detached house or rowhouse **OR** in a building ancillary to any single detached house, semi-detached or row house. Through Bill 108 a secondary dwelling unit would be permitted in any single detached house, semi-detached house, or rowhouse **AND** in an ancillary building. This would allow for two permitted secondary dwelling units. Bill 108 proposes to make it easier to provide additional units in a house. This could permit up to 2 secondary dwelling units in addition to the primary unit.

Allowing for two secondary dwelling units for any residential unit (single, semi or row) as-of-right, without any zoning amendment application process, could introduce a variety of planning compatibility and fit issues in existing neighbourhoods, without a process to evaluate appropriateness within a given context .

2.5 The *Ontario Heritage Act*

Proposed amendments to the *Ontario Heritage Act* are to:

- Establish "prescribed principles" that shall be considered by municipalities when making decisions under Part IV or V of the Act;
- Provide for new timeframes for notices and decisions that are open-ended under the current Act. These timeframes include:
    - 60 day timeline to notifying property owners of whether their applications for alteration and demolition are complete;
    - 90 day timeline for municipalities to issue a notice of intention to designate a property as having cultural heritage value or interest, when certain events as prescribed by regulation have occurred; and
    - 120 day timeline for passing a designation by-law after the municipality issues the notice of intention to designate;
- Provide for notice to property owners when a property is included in a heritage register;
- Enable property owners to object to the inclusion of a property in a heritage register, considered by municipalities or council;
- Allow appeals of municipal decisions on designation and alterations to heritage properties to LPAT for a binding decision instead of a non-binding recommendation made by the Conservation Review Board;
- Deem applications for alteration or demolition to be approved if a municipality fails to make a decision within the specific time period

Section	Proposed changes	Concerns or issues	Recommendations
S. 26.0.1, S. 39.1.2	Introduction of "prescribed principles"	"Prescribed principles" are unclearly provided.	Clearer introduction of "prescribed principles" is needed.
S. 27 (7)	Notice requirements to property owners with appeal rights to municipal councils	No time limit by which a property owner must appeal or basis of appeal is not set out.	If the process is amended as proposed in Bill 108, a timeline should be included.
S. 27 (9)	Restriction on demolition, requiring 60 days' notice in writing of the owner's intention to demolish or remove the building.	Does not include provisions by which a property owner may withdraw their notice of intent to demolish	Provide opportunity for landowner to withdraw their notice of intent to demolish.

		pursuant to subsection 27 (9).	
S. 29 (11) - (18)	Designations can be appealed to LPAT, who are empowered to overrule municipal decisions.	LPAT has no heritage knowledge or expertise to adjudicate cultural heritage matters including designations.	Decisions should be considered by heritage experts, such as the Conservation Review Board. Increased ability of the board or municipal council to make decisions. A "two-step" appeal process should be introduced. The appeal may go first to municipal council and then to LPAT.
S. 29 (8) 1	New timeframes for notices and decisions are set out: 60 days for notifying property owners of their complete applications; 90 days for issuing a notice of intention to designate a property as having cultural heritage value; and 120 days for passing a designation by-law after the notice of intention was published.	Short timelines can compress a decision approval process and fail to provide greater certainty about decisions (or intention of designation) as well as about a designation by-law.	Retain current timelines.
S. 29 (1.2)	Limitation of municipal council's ability to issue its notice of intent to designate a property under Part IV after 90 days from a "prescribed event"	"Prescribed event" is not clearly defined. The time extent of beyond after 90 days have elapsed from a prescribed event is unclear. The limitation could result in the loss of cultural heritage resources.	Repeal subsection 29 (1.2) to revise the ability of a municipal council on designating a property as having cultural heritage value.

2.6 The Environmental Assessment Act

Proposed amendments to the Environmental Assessment Act include:

- The allowance of exemptions of certain types of lower-impact infrastructure improvements that fall under Class EAs. Exemptions include some municipal projects, such as streetscape improvements.
- Changes to amending an approved class EA. The Minister may only amend an approved class EA if the public is given notice and comment, if the Minister gives written reasons, and if the amendment is consistent with the purpose of the act and public interest.
- A reduction of the ability for the Minister to order a proponent to comply with Part II of the Act or impose additional conditions. A Minister can only carry out the above to mitigate impacts on existing Aboriginal treaty rights, or if a matter is prescribed as one of provincial importance.

2.7 Development Permit System

The proposed amendments to the development permit system would authorize municipalities to adopt or establish a development permit system that applies to a specified area or to an area surrounding and including a specified location.

2.8 The Conservation Authorities Act

Proposed amendments to the *Conservation Authorities Act* include:

- A description of a Conservation Authority's primary and mandatory services, which are meant to pertain primarily to natural hazard protection, conservation of lands controlled by the Authority, water source protection under the *Clean Water Act, 2006,* other duties that will be prescribed by later regulations
- A new subsection stating that Conservation Authorities can provide municipal programs and services only through an agreement with a municipality.
- A new requirement for Conservation Authorities to enter into a memorandum of understanding with municipalities, thereby standardizing their power in municipal planning. It must be reviewed periodically.

2.9 The Endangered Species Act

Bill 108 proposed amendments to the *Endangered Species Act* to:

- Extend the timeframe for regulation response to 12 months after receiving a report from COSSARO classifying the species. Authorize an additional 12 month regulation response delay should the Minister recommend that COSSARO reconsider the initial classification.
- Authorize additional increased delays of up to three years for newly listed Endangered and Threatened species protections to come into force.

Section	Proposed changes	Concerns or issues	Recommendations
S. 7.4, 8.3, 8.4	Extending the existing three month response timeframe to 12 months in additional to a Minister reconsideration request, extending response a further 12 months.	Species listing consideration timeframes extending from 3 to 24 months. Delaying listing postpones species and habitat protection, endangering finite species populations.	The current three month response regulation limits delays to species protections and provides the government with review and consideration time. Increased funding to implement the existing Endangered Species Act (ESA) will limit permitting and response delays.
S. 8.1	When a species is listed as Endangered or Threatened for the first time, the Minister may suspend all or some of the prohibitions in subsection 9.1 and 10.1 for up to three years.	A potential five year delay from the first recommendation of Committee on the Status of Species at Risk in Ontario (COSSARO) will further undermine species and habitat protection in Ontario.	The current ESA provides permitting options for developers to contravene S.9 and S.10 of the ESA. Delaying protections recommended by COSSARO scientists puts sensitive species at risk.

		It is not clear how changing taxonomic groups will be impacted by these changes.	
S. 8.2	During the first year that a species is listed on the SARO List, exclusion permits are available for proponents to proceed with activities previously permitted before the listing, suspending prohibitions for up to three years.	It is not clear if this three year delay is in addition to the three year delay offered in S 8.1.	Immediate protection of species added to the Species at Risk in Ontario (SARO) List is in the best interest of maintaining sensitive species populations. Delaying protections recommended by COSSARO scientists puts these species and habitats at risk.
S. 9.1.2 to 9.1.4	New subsections would allow the Minister to regulate the application of the ESA, by means of geography or developmental stage.	Current Endangered and Threatened status applies to all listed species at all life stages across the entire province. This proposed change has implications to ecological life cycles and politically driven ESA regulation rather than science driven regulation (e.g., the Spiny Softshell Turtle could have protection reduced to breeding adults, undermining population cycles).	Protection of species added to the SARO List at all life stages and in all geographic locations supports species populations over time. The proposed changes could undermine Species at Risk (SAR) recovery efforts within the City of London, particularly with regard to developmental stage protection limitations.
S. 16.1	The proposed Section 16.1 allows the Minister to engage in landscape agreements which allow activities to harm one or more SAR species, provided that the proponent executes 'beneficial actions' which assist in the recovery or protection of one or more SAR species.	Species identified for recovery or protection are not required to be the same as those that will be harmed by the proposed activities. Flexibility to provide landscape level conservation. Potential exists to destroy species of higher listing status in exchange for conservation measures of species with lower listing status. Geographic divisions are concerning given the importance of genetic communities of species at the limits of their range for maintaining genetic	The City of London supports landscape level conservation efforts that currently exist within the ESA. The proposed changes could undermine SAR recovery efforts within the City, trading the benefit of one SAR species for another.

		diversity and promoting species persistence.	
S. 18	Section 18 is re-enacted to provide that the person authorized to engage in the regulated activity may carry out the activity, despite section 9 or 10, provided certain conditions are met to allow activities that are regulated under other Ontario legislation or under federal legislation to proceed.	Providing further exemptions for provincially and federally regulated activities is concerning as these activities already receive exemptions through permitting and 2013 changes to the ESA.	The City of London supports the protection of species added to the SARO List regardless of the regulating authority for the activities which may pose harm to them.
S. 20.1-20.18	New Sections 20.1 to 20.18 establish a SAR Conservation Fund and an associated Agency to Manage the Fund. Payments will be obtained through the Act as a condition of a permit to proceed with activities that would be prohibited under Section 9 of 10.	This could be interpreted as permitting 'Pay to Destroy' It is unclear if the program intends to result in 'no net loss' or 'net gain'. It is unclear if the outcomes required will be the same duration/magnitude as the negative impacts. It is unclear if developers will be required to avoid and minimize impacts before proceeding with payment-in-lieu. It is unclear if the fund will be used for on-the-ground activities that benefit SAR and their habitats, or if funding studies and research be sufficient. It is unclear if the fund will be directed by scientists or politicians.	Suitable species habitat conditions can be extremely complex and rarely fully understood, such that restoration and replication efforts are not preferred to maintaining existing habitat.
S. 27.1	The new section proposes to provide the Minister with the power to stop an activity that is harming a species on the SARO List (END or THR only) if the prohibitions in	The threshold required for the Minister to stop work is described as 'Significant adverse effect' on a species. This term is not defined. The Minister may order the suspension of an	Conservation efforts could be assisted by this change, as it provides the Minister with greater power to stop work on activities damaging to SAR species.

	sections 9 and 10 do not apply and the species is being negatively impacted by the activities.	activity based on COSSARO reports that have not yet come into force.	This change is not necessary should the other changes proposed in Bill 108 not proceed, as sections 9 and 10 afford protection to species in the absence of Minister intervention.
S. 55, 56 and 57	Re-enacted regulation powers for the Lieutenant-Governor and Minister of the MECP, providing blanket authority to make exemptions or prescribe conditions to most areas of the ESA including limiting geographic areas, timing windows, requiring species conservation charges for a conservation fund species, requiring monitoring of effects to a specified species and taking steps to minimize the effects of the activity onto a given species.	Provides a political basis to undermine species protections.	Conservation efforts based on science and in support of preserving SAR species are preferred to politically driven regulation exemptions.

2.10 Major Changes to the Development Charges Act – Restricting What Growth Costs Can be Recovered Through a Development Charges By-law

Bill 108 proposes significant amendments to the *Development Charges Act.* Certain formerly eligible development charge rate components are proposed to be incorporated in a community benefits charge by-law under the *Planning Act* changes. These amendments to the *Development Charge Act* are proposed to:

- Further exempt secondary units in new residential developments from development charges (exempt both a secondary dwelling unit located in a house and a secondary dwelling unit located in an ancillary structure);
- Eliminate the current 10 percent reduction on capital costs for waste diversion services when determining development charges;
- Eliminate "soft services" (e.g. libraries, park and recreation, affordable housing, etc.) from development charge determination because they will be included in the new Community Benefit Charge under new section 37 of the *Planning Act*;
- Make upfront development costs more predictable by determining the amount of development charges on the date of submission of a site plan or zoning application;
- Allow municipalities to charge interest from when the development charge is determined to when a building permit is issued, with the interest rate determined by regulation;
- Allow for the payment for development charges in 6 annual instalments when occupancy takes effect for certain types of developments:
    - Rental housing;

  - Institutional;
  - Industrial;
  - Commercial; and
  - Non-profit housing;
- Freeze development charge rates applied to developments at the rate in force when an application is made for site plan or zoning approval.

New subsection 9.1 introduces transitional matters relating to community benefits under the *Planning Act,* and new subsections 51. (3.1) and (3.2) are added to set out rules for non-parties to front-ending agreements.

- Development charges for industrial, institutional and commercial construction and rental and non-profit housing would be permitted to be paid in equal installments over a period of up to 6 years.
- Development charge rates would be "frozen" at an earlier time of the process. For example, not at the building permit stage but at the site plan or zoning by-law amendment application stage.
- Second units would be further exempt from development charges.
- Soft services, such as libraries, parks, affordable housing, etc., will no longer be eligible. Development charges will be limited to:
  - Water supply services, including treatment and distribution
  - Waste water services, including sewers and treatment
  - Storm water management and drainage
  - Services related to a highway as defined in the Municipal Act *(highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway)*
  - Electrical power services
  - Police
  - Fire protection
  - Transit
  - Waste diversion
- Community benefit charges would replace both parkland development (infrastructure) Development Charges and parkland dedication requirements of the *Planning Act* (land).
- Community benefit charges could be applied to Zoning Bylaw Amendments, minor variances, consents, subdivisions, and building permits.

Section	Proposed changes	Concerns or issues	Recommendations
S.9.1	Transitional provisions related to proposed ineligible services and the introduction of a Community Benefits Charge By-law.	Transitional timelines are presently unclear.	More information is requested on the transition from DC By-laws under the current DC framework. A reasonable transition period is requested to ensure changes can be made to continue to recover for growth costs and avoid confusion to development proponents.
S. 2 (4)	Development charges may only be imposed for 10 identified services.	May reduce the ability of the municipality to recover for growth infrastructure costs and the principle that "growth pays for	"Soft "services now eligible as part of a community benefits charge, however, these charges are to be related to the value of

		growth". "Soft" services such as libraries, parkland development, affordable housing, etc. not identified as being eligible as development charges.	the land subject to an application, and will be capped.
S. 26.1	Development charges are payable in equal installments for up to 5 years when a building is occupied.	May create cash flow constraints for the delivery of infrastructure within currently identified timelines, and require additional debt issuance.	Omit commercial development from the eligible types of development that may avail of deferred payments. Industrial and institutional development is generally a "base employer" that brings new jobs into a community, whereas commercial development is generally a "population-base employer" responding to growth in other sectors.
S. 26.2 (5)	Introduces elapsed time period for DC rate determination for site plans or zoning.	No specific time limit is prescribed.	"Prescribed amount of time" should be specified.

2.11 Removal of Bonus Zoning From the Planning Act and Establishment of a New Community Benefits Charge

Under Bill 108, the current Section 37 density bonusing provisions, where a municipality may authorize increases in height and density of development beyond what is permitted in a zoning by-law in return for community benefits (that is, facilities, services, or matters prescribed in the by-law), would no longer be permitted.

The proposed new Section 37 in Bill 108 replaces bonusing in its entirety with a new community benefits charge authority to allow municipalities to impose community benefit charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which a community benefits charge by-law applies. It is important to understand that such community benefit is simply a charge, and would not relate to planning permissions for greater height and density, as is currently the case in Section 37 of the Planning Act (Bonusing)

A community benefits charge would apply to an approval of any of the following:
- Zoning by-law or zoning by-law amendment
- Minor variance
- Conveyance of land
- Plans of subdivision and consents
- Condominium plans
- Building permit

The new section 37 provides:

- Municipalities are required to prepare and pass a community benefit charge by-law and a strategy identifying facilities, services and matters to be funded with community benefits charge;
- A new process governs municipalities' collection of community benefits charges in a special account and their use of the funds, including a mandatory requirement that a municipality spend or allocate at least 60% of the funds in a year;
- A process enabling owners to object to the value of community benefits charges applied to their land.
- Developers or land owner may provide in-kind contributions to municipality facilities, services or matters instead of payment;
- The amount of community benefit charges will be capped at a yet to be specified percentage of land value of any development sites.

Section	Proposed changes	Concerns or issues	Recommendations
S. 37	Current density bonusing provision will be replaced with new community benefits charge provisions.	- No conditions that would allow Council to consider an increase density or height in returns for certain public facilities or matters. - Fewer community benefits will be provided.	- The maintenance of density bonusing provisions would allow greater community benefits, including parkland development. - Introduction of community benefit charge provisions should not replace the ability of a municipality to provide an increase in height or density in exchange for public facilities or matters.
	A municipality must have only one community benefits charge by-law.	One community benefits charge by-law may not be appropriate for all areas within a municipality because of different needs for different community benefits for local areas. Also, there may be different impacts arising from different developments.	Allow a municipality to establish a community benefit charge by-law for the entire city or for specific areas, depending on the local community needs arising from the impacts of the development.
S. 37 (4)	Certain development or redevelopment is not subject to community benefit charges.	Certain types of development that will be exempted from community benefit charge are not clearly specified.	Clarify and confirm the types of development that would not be subject to community benefit charge.
S. 37 (5) 2	Some facilities, services or matters are not subject to community benefit charges.	Certain facilities, services or matters that will be exempted from the community benefit charges are not identified.	Allow municipalities the flexibility to identify or specify facilities, services or matters to address growth servicing needs that will be subject to community benefit

			charges (without duplication of those services prescribed in the *Development Charges Act*).
S. 37 (6)	Landowners are permitted to provide in-kind contributions.	No authority is proposed to enter into agreements binding on the owners	Introduce a new authority to establish agreements with owners for in-kind contributions.
S. 37 (9)	The introduction of community benefit charge strategy.	The requirements of the community benefit strategy are not identified, including timelines for by-law adoption and expiration similar to those identified in the *Development Charges Act*.	Requirements for the strategy should be clearly identified to ensure that municipalities are able to maximize the community benefit arising from the proposed development, and remains current to the forecasted needs associated with growth.
S. 37 (12)	The amount of community benefits charge is required not to exceed an amount equal to the prescribed percentage of the value of the land.	"Prescribed percentage" of the value of the land is not specified.	Prescribed percentage may not cover the full costs of the anticipated community benefits arising from the impacts of a development. Costs should be based on a study of local needs and the anticipated amount of the community benefit required to address the needs arising from growth.
S. 37 (27)	Under new community benefit charge by-law, municipalities are required to spend or allocate 60% of fund each year.	Does not allow the opportunity to establish reserve funds for large projects or developments.	New regulation for more transparent and efficient use or allocation of the funds should be added, including the recognition of funding required to pay for growth infrastructure that straddles a calendar year or is a multi-year project..

2.12 Parkland Dedication in Accordance with New Section 37 Community Benefits Charges

The introduction of the new Section 37 replaces parkland dedication in some cases. If a community benefits charge by-law is in force, parkland dedication requirements are no longer of effect. The amendments to parkland dedication provisions provide that:

- Municipalities are no longer able to require an alternative rate for parkland;
- Plans of subdivision that are approved with a condition of parkland conveyance are not subject to a community benefits charge by-law

Many amendments to subsection 51.1 of the *Planning Act* are also proposed to set out parkland conditions that may be applied to the approval of plan of subdivision in accordance with new section 37 of the Act.

Section	Proposed changes	Concerns or issues	Recommendations
S. 42	Parkland by-law is no longer in effect once a community benefit charge by-law has been passed.	Less parkland or funding to secure parkland will be provided from developers.	The provision of parkland should not be subject to the community benefit charge provisions. Parkland dedication (not parkland development) provisions of the Planning Act should be maintained.
S. 51.1	Plans of subdivision that are approved with a condition of parkland are not subject to a community benefits charge by-law.	By exercising the current authority to take parkland as a condition of approval for a plan of subdivision, a community benefit charge may not be applied.	Maintain current section 51.1 to allow municipalities to secure parkland dedication as a condition of development for plans of subdivision.

5.0 Conclusion

Bill 108, More Houses, More Choices Act, 2019, proposes significant changes to much of the legislation that applies to planning and development in Ontario. Significant changes that will have an impact in London include:

- Decreasing the timelines for the consideration of planning applications will limit the opportunity to consult with the public, contrary to recent efforts by the City to enhance opportunities for public consultation and engagement.
- Changes to the Development Charges Act that would limit the municipal services eligible for funding through development charges, potentially shifting away from the principle that "growth pays for growth".
- Limitations on parkland dedication when a community benefits charge by-law is adopted.
- Replacing Section 37 of the Planning Act that permits bonusing with a new Section 37 that would allow the establishment of a community benefits charge to fund the provision of "soft services" such as libraries, affordable housing and parkland.
- Permitting up to two secondary dwelling units in association with any single detached, semi-detached or rowhouse dwelling.
- Permitting "de novo" hearings before the Local Planning Appeal Tribunal that would allow the consideration of material not reviewed by municipal Council
- Limiting inclusionary zoning to identified protected major transit station areas or as part of a development permit system.

It is recommended that the comments in this report be provided to the Province to meet the 30 day commenting period that ends on June 1, 2019, and that the City also request that the Province consider:

- Extend the current 30 day commenting period to allow additional time for consultation prior to the adoption of the proposed legislative changes
- Provide additional opportunities for consultation with municipalities prior to any new regulations coming into force and effect.
- Provide a transition time to the new development charge system that would recognize current or newly adopted development charge by-laws.

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Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.

May 17, 2019

Appendix A – Proposed Changes to the *Planning Act*

Appendix 1-Bill 108 Proposed Amendments to the *Planning Act*

Section	Current Policy	Proposed Amendments
S. 2.1 (1) - (2)	**Approval authorities and Tribunal to have regard to certain matters** (1) When an approval authority makes a decision under subsection 17 (34) or the Tribunal makes a decision in respect of an appeal referred to in subsection 17 (49.7) or (53), 22 (11.3), 34 (26.8) or (29), 38 (4) or (4.1), 41 (12.0.1), 51 (39), (43) or (48) or 53 (19) or (27), it shall have regard to, (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and (b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2015, c. 26, s. 13; 2017, c. 23, Sched. 3, s. 2 (1). **Same, Tribunal** (2) When the Tribunal makes a decision in respect of an appeal referred to in subsection 17 (40), 51 (34) or 53 (14), the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter. 2017, c. 23, Sched. 3, s. 2 (2).	**Approval authorities and Tribunal to have regard to certain matters** (1) When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to, (a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and (b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2015, c. 26, s. 13; 2017, c. 23, Sched. 3, s. 2 (1). Bill 108 Sched 12 s 1 (1). **Same, Tribunal** (2) When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter. Bill 108 Sched 12 s 1 (2).
S. 16 (3)	**Second unit policies** (3) An official plan shall contain policies that authorize the use of a second residential unit by authorizing, (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit. 2011, c. 6, Sched. 2, s. 2; 2016, c. 25, Sched. 4, s. 1 (1).	**Additional residential unit policies** (3) An official plan shall contain policies that authorize the use of additional residential units by authorizing, (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. Bill 108 Sched. 12 s 2 (1).
S. 16 (5)	**Inclusionary zoning policies** **Same**	**Inclusionary zoning policies** **Same**

	(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4). 2016, c. 25, Sched. 4, s. 1 (2).	(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of, (a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or (b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1). **Adoption of inclusionary zoning policies** (5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies, (a) that identify an area as the protected major transit station area described in clause (5) (a); or (b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established. Bill 108 Sched. 12 s 2 (2).
S. 17 (24.0.1)	**Basis for appeal** (24.0.1) An appeal under subsection (24) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (1).	N/A (S. 17 (24.0.1) is repealed.) Bill 108 Sched. 12 s 3 (1).
S. 17 (24.1.4) - (24.1.6)	N/A	**No appeal re certain matters** (24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan, (a) before a development permit system may be adopted or established; or (b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.

		Limitation (24.1.5) Subsection (24.1.4) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order. **Exception re Minister** (24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister. Bill 108 Sched. 12 s 3 (2).
S. 17 (25)	**Notice of appeal** (25) The notice of appeal filed under subsection (24) must, (a) set out the specific part of the plan to which the notice applies; (b) explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan; and (c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (6); 2017, c. 23, Sched. 3, s. 6 (2); 2017, c. 23, Sched. 5, s. 81.	**Notice of appeal** (25) The notice of appeal filed under subsection (24) must, (a) set out the specific part of the plan to which the notice applies; (b) set out the reasons for the appeal; and (c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (6); 2017, c. 23, Sched. 3, s. 6 (2); 2017, c. 23, Sched. 5, s. 81. Bill 108 Sched. 12 s 3 (3).
S. 17 (25.1)	(25.1) REPEALED: 2017, c. 23, Sched. 3, s. 6 (3).	**Notice of appeal** **Same** (25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document. Bill 108 Sched. 12 s 3 (4).
S. 17 (26)	**Timing** (26) For the purposes of subsections (24), (36) and (41.1), the giving of written notice shall be deemed to be completed,	**Timing** (26) For the purposes of subsections (24) and (36), the giving of written notice shall be deemed to be completed,

	(a) where notice is given by personal service, on the day that the serving of all required notices is completed; (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed; (b) where notice is given by mail, on the day that the mailing of all required notices is completed; and (c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (8).	(a) where notice is given by personal service, on the day that the serving of all required notices is completed; (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed; (b) where notice is given by mail, on the day that the mailing of all required notices is completed; and (c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (8). Bill 108 Sched. 12 s 3 (5).
S. 17 (34.1)	**Exception, non-conforming lower-tier plan** (34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's plan if the plan or any part of it does not, in the approval authority's opinion, conform with, (a) the upper-tier municipality's official plan; (b) a new official plan of the upper-tier municipality that was adopted before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect; or (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6).	**Exception, non-conforming lower-tier plan** (34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's plan if the plan or any part of it does not, in the approval authority's opinion, conform with, (a) the upper-tier municipality's official plan; (b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6). Bill 108 Sched. 12 s 3 (6).
S. 17 (36.0.1)	**Basis for appeal** (36.0.1) An appeal under subsection (36) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (7).	N/A (S. 17 (36.0.1) is repealed.) Bill 108 Sched. 12 s 3 (7).
S. 17 (36.1.8) - (36.1.10)	N/A	**No appeal re certain matters** (36.1.8) Despite subsection (36), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

		(a) before a development permit system may be adopted or established; or (b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions. **Limitation** (36.1.9) Subsection (36.1.8) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order. **Exception re Minister** (36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister. Bill 108 Sched. 12 s 3 (8).
S. 17 (37)	**Contents of notice** (37) The notice of appeal under subsection (36) must, (a) set out the specific part or parts of the plan to which the notice of appeal applies; (b) explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan; and (c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (13); 2017, c. 23, Sched. 3, s. 6 (11); 2017, c. 23, Sched. 5, s. 81.	**Contents of notice** (37) The notice of appeal under subsection (36) must, (a) set out the specific part or parts of the plan to which the notice of appeal applies; (b) set out the reasons for the appeal; and (c) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (13); 2017, c. 23, Sched. 3, s. 6 (11); 2017, c. 23, Sched. 5, s. 81. (37.1) REPEALED: 2017, c. 23, Sched. 3, s. 6 (12). Bill 108 Sched. 12 s 3 (9).
S. 17 (37.1)	(37.1) REPEALED: 2017, c. 23, Sched. 3, s. 6 (12).	**Contents of notice** **Same** (37.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the

		official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document. Bill 108 Sched. 12 s 3 (10).
S. 17 (40)	**Appeal to L.P.A.T.** (40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 210 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1). 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (15).	**Appeal to L.P.A.T.** (40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority: 1. The municipality that adopted the plan. 2. The Minister, if the Minister is not the approval authority. 3. In the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment. Bill 108 Sched 12 s 3 (11).
S. 17 (40.1)	**Extension of time for appeal** (40.1) The 210-day period referred to in subsection (40) may be extended in accordance with the following rules: 1. In the case of an amendment requested under section 22, the person or public body that made the request may extend the period for up to 90 days by written notice to the approval authority. 2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority. 3. The approval authority may extend the period for up to 90 days by written notice to the person or public body or to the municipality, as the case may be. 4. The notice must be given before the expiry of the 210-day period. 5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs. 6. The person, public body, municipality or approval authority that gave or received a notice extending the period may terminate the extension at any time by another written notice.	N/A (Subsection 34 (40.1) is repealed.) Bill 108 Sched 12 s 3 (12).

	7. No notice of an extension or of the termination of an extension need be given to any other person or entity. 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (16).	
S. 17 (40.2)	**Exception, non-conforming lower-tier plan** (40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 210 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with, (a) the upper-tier municipality's official plan; (b) a new official plan of the upper-tier municipality that was adopted before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect; or (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17).	**Exception, non-conforming lower-tier plan** (40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 120 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with, (a) the upper-tier municipality's official plan; (b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17). Bill 108 Sched 12 s 3 (13).
S. 17 (40.4)	**Time for appeal** (40.4) If the approval authority states an opinion as described in subsection (40.2), the 210-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18).	**Time for appeal** (40.4) If the approval authority states an opinion as described in subsection (40.2), the 120-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18). Bill 108 Sched 12 s 3 (14).
S. 17 (41.1)	**Notice limiting appeal period** (41.1) At any time after receiving a notice of appeal under subsection (40), an approval authority may give the persons and public bodies listed in clauses (35) (a) to (d) a written notice, relating to the relevant plan and including the prescribed information; after the day that is 20 days after the day the giving of the notice is completed, no person or public body is entitled to appeal under subsection (40) with respect to the relevant plan. 2015, c. 26, s. 18 (17).	N/A (Subsection 17 (41.1) is repealed.) Bill 108 Sched 12 s 3 (15).

S. 17 (44.3) – (44.7)	(44.3)-(44.6) REPEALED: 2017, c. 23, Sched. 3, s. 6 (19).	**New evidence at hearing** (44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal. **Same** (44.4) When subsection (44.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed. **Notice to council** (44.5) The Tribunal shall notify the council that it is being given an opportunity to, (a) reconsider its decision in light of the information and material; and (b) make a written recommendation to the Tribunal. **Council's recommendation** (44.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (44.4), and may, but is not required to, do so if it is received afterwards. Bill108 Sched 12 s 3 (16).
S. 17 (44.7)	**Conflict with *SPPA*** (44.7) Subsections (44.1) and (44.2) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 9 (7); 2017, c. 23, Sched. 3, s. 6 (20).	**Conflict with *SPPA*** (44.7) Subsections (44.1) to (44.6) apply despite the *Statutory Powers Procedure Act*. Bill108 Sched 12 s 3 (17).
S. 17 (45)	**Dismissal without hearing** (45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply: 1. The Tribunal is of the opinion that, i. the explanation required by clause (25) (b) or (37) (b), as the case may be, does not disclose that the part of the decision to which the	**Dismissal without hearing** (45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply: 1. The Tribunal is of the opinion that, i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the

	notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan, or in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, ii. the appeal is not made in good faith or is frivolous or vexatious, iii. the appeal is made only for the purpose of delay, or iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 2. The appellant has not provided the explanations required by clause (25) (b) or (37) (b), as applicable. 3. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal. 4. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 6 (21).	plan that is the subject of the appeal could be approved or refused by the Tribunal, ii. the appeal is not made in good faith or is frivolous or vexatious, iii. the appeal is made only for the purpose of delay, or iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36). 3. The appellant intends to argue a matter mentioned in subsection (25.1) or (37.1) but has not provided the explanations required by that subsection. 4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. Bill 108 Sched 12 s 3 (18).
S. 17 (46)	**Representation** (46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 3 or 4 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22).	**Representation** (46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22). Bill 108 Sched 12 s 3 (19).
S. 17 (49)	**Transfer** (49) If a notice of appeal under subsection (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23).	**Transfer** (49) If a notice of appeal under subsection 24, 36 or (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23). Bill 108 Sched 12 s 3 (20).
S. 17 (49.1) – (49.12)	**Powers of L.P.A.T. — appeals under 9ubs. (24) and (36)**	N/A (Subsections 17 (49.1) to (49.12) are repealed.) Bill 108 Sched 12 s 3 (21).

	(49.1) Subject to subsections (49.3) to (49.9), after holding a hearing on an appeal under subsection (24) or (36), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 6 (24). **Same** (49.2) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision after holding a hearing, the Tribunal shall notify the clerk of the municipality or the approval authority and, (a) the decision or that part of the decision that was the subject of the appeal is final; and (b) the plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 2017, c. 23, Sched. 3, s. 6 (24). **Refusal and notice to make new decision** (49.3) Unless subsection (49.4), (49.7) or (49.8) applies, if the Tribunal determines that a part of a decision to which a notice of appeal under subsection (24) or (36) relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, (a) the Tribunal shall refuse to approve that part of the plan; and (b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24). **Revised plan with consent of parties** (49.4) Unless subsection (49.8) applies, if a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a	

	provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24). **Same, notice to make new decision** (49.5) If subsection (49.4) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, (a) the Tribunal shall refuse to approve that part of the plan; and (b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24). **Rules that apply if notice is received** (49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply: 1. The council of the municipality may prepare and adopt another plan, subject to the following: i. Subsections (16) and (17.1) do not apply. ii. If the plan is not exempt from approval, A. the reference to "within 210 days" in subsection (40) shall be read as "within 90 days", B. subsection (40.1) does not apply, C. references to "210 days" and "210th day" in subsection (40.2) shall be read as "90 days" and "90th day", respectively, and D. the reference to "210-day period" in subsection (40.4) shall be read as "90-day period". 2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22 (1) or (2), the references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection 22 (7.0.2) shall be read as "within 90 days after the day notice under clause (49.3) (b) or (49.5) (b) was received". 2017, c. 23, Sched. 3, s. 6 (24).	

	Second appeal (49.7) Unless subsection (49.8) applies, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), the Tribunal may make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan, if the Tribunal determines that the decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24). **Same, revised plan with consent of parties** (49.8) If, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24). **Same** (49.9) If subsection (49.8) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan. 2017, c. 23, Sched. 3, s. 6 (24). **Coming into effect of plan**	

	(49.10) If the Tribunal approves all or part of a revised plan as an official plan or part of an official plan under subsection (49.4) or (49.8), the plan or part of the plan that is approved comes into effect as an official plan or part of an official plan on the day after the day the plan or part of the plan was approved. 2017, c. 23, Sched. 3, s. 6 (24). **Specified parties** (49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are: 1. The municipality that adopted the plan. 2. The appropriate approval authority, if the approval authority is a party. 3. The Minister, if the Minister is a party. 4. If applicable, the person or public body that requested an amendment to the official plan. 5. All appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 6 (24). **Effect on original plan** (49.12) If subsection (49.4) or (49.8) applies, the version of the plan that was the subject of the notice of appeal shall be deemed to have been refused. 2017, c. 23, Sched. 3, s. 6 (24).	
S. 17 (50)	**Powers of L.P.A.T.** (50) On an appeal under subsection (40) or a transfer, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25).	**Powers of L.P.A.T.** (50) On an appeal or a transfer under this section, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25). Bill 108 Sched 12 s 3 (22).
S. 17 (50.1)	**Powers of L.P.A.T** **Same** (50.1) For greater certainty, subsections (49.7), (49.9) and (50) do not give the Tribunal power to approve or modify any part of the plan that, (a) is in effect; and	**Powers of L.P.A.T** **Same** (50.1) For greater certainty, subsections (50) does not give the Tribunal power to approve or modify any part of the plan that, (a) is in effect; and

	(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26).	(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26). Bill 108 Sched 12 s 3 (23).
S. 17 (51)	**Matters of provincial interest** (51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (44) and the Minister shall identify, (a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26).	**Matters of provincial interest** (51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify, (a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26). Bill 108 Sched 12 s 3 (24).
S. 17 (53)	**Applicable rules if notice under subs. (51) received** (53) If the Tribunal has received a notice from the Minister under subsection (51), the following rules apply: 1. Subsections (49.1) to (50) do not apply to the appeal. 2. The Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 3. The decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the provisions. 2017, c. 23, Sched. 3, s. 6 (27).	**Confirmation by L.G. in C.** (53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. Bill 108 Sched 12 s 3 (25).
S. 22 (7.0.0.1) - (7.0.0.2)	**Basis for appeal** (7.0.0.1) An appeal under subsection (7) may only be made on the basis that, (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a	N/A (Subsections 17 (7.0.0.1) to (7.0.0.2) are repealed.) Bill 108 Sched 12 s 4 (1).

	provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and (b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (3). **Exception** (7.0.0.2) Subsection (7.0.0.1) and clauses (8) (a.1) and (a.2) do not apply to an appeal under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (3).	
S. 22 (7.0.2)	**Conditions** (7.0.2) The conditions referred to in subsections (7) and (7.0.1) are: 1. The council or the planning board fails to adopt the requested amendment within 210 days after the day the request is received. 2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 210 days after the day the request is received. 3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment. 4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4).	**Conditions** (7.0.2) The conditions referred to in subsections (7) and (7.0.1) are: 1. The council or the planning board fails to adopt the requested amendment within 120 days after the day the request is received. 2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 120 days after the day the request is received. 3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment. 4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4). Bill 108 Sched 12 s 4 (2).
S. 22 (7.0.2.1)	**Conditions** **Same** (7.0.2.1) For greater certainty, a condition set out in subsection (7.0.2) is not met if the council or the planning board adopts an amendment in response to a request under subsection (1) or (2), even if the	N/A (Subsection 17 (7.0.2.1) is repealed.) Bill 108 Sched 12 s 4 (3).

	amendment that is adopted differs from the requested amendment. 2017, c. 23, Sched. 3, s. 8 (5).	
S. 22 (8)	**Contents** (8) A notice of appeal under subsection (7) shall, (a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; (a.1) explain how the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; (a.2) explain how the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan; and (b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81.	**Contents** (8) A notice of appeal under subsection (7) shall, (a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; and (b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81. Bill 108 Sched 12 s 4 (4).
S. 22 (11) - (11.0.19)	**Hearing** (11) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 3, s. 8 (7). **Restriction re adding parties** (11.0.1) Despite subsection (11), in the case of an appeal under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2), only the following may be added as parties: 1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2). 2. The Minister.	**Application** (11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). Bill 108 Sched 12 s 4 (5).

	3. The appropriate approval authority. 2017, c. 23, Sched. 3, s. 8 (7). **Same** (11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are: 1. Before the requested amendment was refused, the person or public body made oral submissions at a public meeting or written submissions to the council or planning board. 2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2017, c. 23, Sched. 3, s. 8 (7). **Conflict with SPPA** (11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the *Statutory Powers Procedure Act*. 2017, c. 23, Sched. 3, s. 8 (7). **Dismissal without hearing** (11.0.4) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply: 1. The Tribunal is of the opinion that the explanations required by clauses (8) (a.1) and (a.2) do not disclose both of the following: i. That the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan. ii. That the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2. The Tribunal is of the opinion that, i. the appeal is not made in good faith or is frivolous or vexatious, ii. the appeal is made only for the purpose of delay, or	

	iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2). 4. The appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017 and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal. 5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 8 (7). **Same** (11.0.5) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal may, on its own initiative or on the motion of the municipality, the planning board, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council or the planning board at the time of its decision. 2017, c. 23, Sched. 3, s. 8 (7). **Representation** (11.0.6) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 4 or 5 of subsection (11.0.4). 2017, c. 23, Sched. 3, s. 8 (7). **Dismissal** (11.0.7) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (11.0.4) or (11.0.5), as it considers appropriate. 2017, c. 23, Sched. 3, s. 8 (7). **Powers of L.P.A.T. — appeals under subs. (7)**	

	(11.0.8) Subject to subsections (11.0.9) to (11.0.17), after holding a hearing on an appeal under subsection (7), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 8 (7). **Notice re opportunity to make new decision** (11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that, (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and (b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7). **Revised amendment with consent of parties** (11.0.10) Unless subsection (11.0.16) applies, if a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7). **Same, notice to make new decision**	

	(11.0.11) If subsection (11.0.10) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 8 (7). **Rules that apply if notice received** (11.0.12) If the clerk or secretary-treasurer has received notice under subsection (11.0.9) or (11.0.11), the following rules apply: 1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following: i. Subsections 17 (16) and (17.1) do not apply. ii. If the amendment is not exempt from approval, A. the reference to "within 210 days" in subsection 17 (40) shall be read as "within 90 days", and B. subsection 17 (40.1) does not apply. 2. The references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection (7.0.2) shall be read as "within 90 days after the day notice under subsection (11.0.9) or (11.0.11) was received". 2017, c. 23, Sched. 3, s. 8 (7). **Second appeal** (11.0.13) Subsections (11.0.14) to (11.0.16) apply with respect to an appeal under subsection (7) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (7). **Same**	

	(11.0.14) In the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), the Tribunal may approve all or part of the requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment. 2017, c. 23, Sched. 3, s. 8 (7). **Same** (11.0.15) Unless subsection (11.0.16) applies, in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment, if the Tribunal determines that, (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and (b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7). **Same, revised amendment with consent of parties** (11.0.16) If, on an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy	

	statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7). **Same** (11.0.17) If subsection (11.0.16) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal may make modifications to that part of the revised amendment and approve it as modified as part of an official plan amendment or refuse to approve all or part of that part of the revised amendment. 2017, c. 23, Sched. 3, s. 8 (7). **Coming into effect** (11.0.18) If the Tribunal approves all or part of a revised amendment as an official plan amendment or part of an official plan amendment under subsection (11.0.10) or (11.0.16), the amendment or part of the amendment that is approved comes into effect as an official plan amendment or part of an official plan amendment on the day after the day the amendment or part of the amendment was approved. 2017, c. 23, Sched. 3, s. 8 (7). **Specified parties** (11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are: 1. The municipality or planning board that received the request for an official plan amendment. 2. The appropriate approval authority, if the approval authority is a party. 3. The Minister, if the Minister is a party. 4. The person or public body that requested an amendment to the official plan. 2017, c. 23, Sched. 3, s. 8 (7).	

S. 22 (11.1)	**Matters of provincial interest** (11.1) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the amendment or any part of the amendment in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 after the day the Tribunal gives notice under subsection (11) and the Minister shall identify, (a) the provisions of the amendment or any part of the amendment by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 8 (8).	**Matters of provincial interest** (11.1) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the amendment or any part of the amendment in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify, (a) the provisions of the amendment or any part of the amendment by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 8 (8). Bill 108 Sched 12 s 4 (6).
S. 22 (11.3)	**Applicable rules if notice under subs. (11.1) received** (11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the following rules apply: 1. Subsections (11.0.8) to (11.0.19) do not apply to the appeal. 2. The Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment. 3. The decision of the Tribunal is not final and binding in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. 2017, c. 23, Sched. 3, s. 8 (9).	**Confirmation by L.G. in C.** (11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. Bill 108 Sched 12 s 4 (7).
S. 28 (5)	**Restriction re upper-tier municipality** **Same** (5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49), (50) and (50.1), as they read on the day before section 9 of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply, with necessary modifications, in respect of a community improvement plan	**Restriction re upper-tier municipality** **Same** (5) Subsections 17 (15), (17), (19) to (19.3), (19.5) to (24), (25) to (30.1), (44) to (47) and (49) to (50.1) apply, with necessary modifications, in respect of a community improvement plan and any amendments to it. 2006, c. 32, Sched. C, s. 47 (1); 2017, c. 23, Sched. 3, s. 9. Bill 108 Sched 12 s 5.

	and any amendments to it. 2006, c. 32, Sched. C, s. 47 (1); 2017, c. 23, Sched. 3, s. 9.	
S. 34 (11)	**Appeal to L.P.A.T.** (11) Subject to subsection (11.0.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within 150 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*: 1. The applicant. 2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1).	**Appeal to L.P.A.T.** (11) Subject to subsection (11.0.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within 90 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*: 1. The applicant. 2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1). Bill 108 Sched 12 s 6 (1).
S. 34 (11.0.0.0.1)	**Appeal to L.P.A.T** **Same, where amendment to official plan required** (11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 210 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1).	**Appeal to L.P.A.T** **Same, where amendment to official plan required** (11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 120 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1). Bill 108 Sched 12 s 6 (2).
S. 34 (11.0.0.0.2) - (11.0.0.0.5)	**Basis for appeal** (11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and	N/A (Subsections 34 (11.0.0.0.2) to (11.0.0.0.5) are repealed.) Bill 108 Sched 12 s 6 (3).

	(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1). **Same** (11.0.0.0.3) For greater certainty, council does not refuse an application for an amendment to a by-law passed under this section or a predecessor of this section or fail to make a decision on the application if it amends the by-law in response to the application, even if the amendment that is passed differs from the amendment that is the subject of the application. 2017, c. 23, Sched. 3, s. 10 (1). **Notice of Appeal** (11.0.0.0.4) A notice of appeal under subsection (11) shall, (a) explain how the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1). **Exception** (11.0.0.0.5) Subsections (11.0.0.0.2) and (11.0.0.0.4) do not apply to an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.3). 2017, c. 23, Sched. 3, s. 10 (1).	
S. 34 (19)	**Appeal to L.P.A.T.** (19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:	**Appeal to L.P.A.T.** (19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in

	1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4).	support of the objection, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4). Bill 108 Sched 12 s 6 (4).
S. 34 (19.0.1) - (19.0.2)	**Basis for appeal** (19.0.1) An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5). **Notice of Appeal** (19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5).	**Same** (19.0.1) If the appellant intends to argue that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document. (Subsection 34 (19.0.2) is repealed.) Bill 108 Sched 12 s 6 (5).
S. 34 (24.3) – (24.7)	(24.3)-(24.6) REPEALED: 2017, c. 23, Sched. 3, s. 10 (9).	**New information and material at hearing** (24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal. **Same** (24.4) When subsection (24.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed. **Notice to council**

		(24.5) The Tribunal shall notify the council that it is being given an opportunity to, (a) reconsider its decision in light of the information and material; and (b) make a written recommendation to the Tribunal. **Council's recommendation** (24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards. Bill 108 Sched 12 s 6 (6).
S. 34 (24.7)	**Conflict with *SPPA*** (24.7) Subsections (24.1) and (24.2) apply despite the *Statutory Powers Procedure Act*. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 3, s. 10 (10).	**Conflict with *SPPA*** (24.7) Subsections (24.1) to (24.6) apply despite the *Statutory Powers Procedure Act*. Bill 108 Sched 12 s 6 (7).
S.34 (25)	**Dismissal without hearing** (25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply: 1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.0.4) do not disclose both of the following: i. That the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan. ii. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.	**Dismissal without hearing** (25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply: 1. The Tribunal is of the opinion that, i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal, ii. the appeal is not made in good faith or is frivolous or vexatious, iii. the appeal is made only for the purpose of delay, or iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 2. The appellant has not provided written reasons for the appeal. 3. The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection. 4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

	3. The Tribunal is of the opinion that, i. the appeal is not made in good faith or is frivolous or vexatious, ii. the appeal is made only for the purpose of delay, or iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process. 4. The appellant has not provided the explanation required by subsection (11.0.0.0.4) or (19.0.2), as applicable. 5. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017* and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal. 6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 10 (11).	5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. Bill 108 Sched 12 s 6 (8).
S. 34 (25.1)	**Representation** (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 or 6 of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12).	**Representation** (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12). Bill 108 Sched 12 s 6 (9).
S. 34 (26) - (16.13)	**Powers of L.P.A.T.** (26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 10 (14). **Notice re opportunity to make new decision — appeal under subs. (11)** (26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a	**Powers of L.P.A.T.** (26) The Tribunal may, (a) on an appeal under subsection (11) or (19), dismiss the appeal; (b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or (c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order. Bill 108 Sched 12 s 6 (10).

	policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14). **Same — appeal under subs. (19)** (26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by-law to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, (a) the Tribunal shall repeal that part of the by-law; and (b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14). **Powers of L.P.A.T. — Draft by-law with consent of parties** (26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Notice to make new decision** (26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to	

	make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14). **Rules that apply if notice received** (26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply: 1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply. 2. The reference to "within 150 days after the receipt by the clerk of the application" in subsection (11) shall be read as "within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received". 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal, subs. (11) — failure to make decision** (26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the bylaw in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal, subs. (11) — refusal** (26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order if the Tribunal determines that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and	

	(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14). **Second appeal — subs. (19)** (26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal's order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Draft by-law with consent of the parties** (26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14). **Same** (26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14).	

	Specified parties (26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are: 1. The municipality. 2. The Minister, if the Minister is a party. 3. If applicable, the applicant. 4. If applicable, all appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 10 (14). **Effect on original by-law** (26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed. 2017, c. 23, Sched. 3, s. 10 (14). **Non-application of s. 24 (4)** (26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4). 2017, c. 23, Sched. 3, s. 10 (14).	
S. 34 (27)	**Matters of provincial interest** (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (24) and the Minister shall identify, (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15).	**Matters of provincial interest** (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify, (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15). Bill 108 Sched 12 s 6 (11).
S. 34 (29)	**Applicable rules if notice under subs. (27) received** (29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules apply: 1. Subsections (26) to (26.12) do not apply to the appeal.	**No order to be made** (29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the bylaw, the Tribunal

	2. The Tribunal may make a decision as to whether the appeal should be dismissed or the by-law should be repealed or amended in whole or in part or the council of the municipality should be directed to repeal or amend the by-law in whole or in part. 3. The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice. 2017, c. 23, Sched. 3, s. 10 (16).	shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice. Bill 108 Sched 12 s 6 (12).
S. 34 (30)	**Coming into force** (30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed under subsection (26.2) or (26.8) or amended under subsection (26.8) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed. 1996, c. 4, s. 20 (13); 2004, c. 18, s. 6 (4); 2017, c. 23, Sched. 3, s. 10 (17).	**Coming into force** (30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed or amended under subsection (26) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed. 1996, c. 4, s. 20 (13); 2004, c. 18, s. 6 (4); 2017, c. 23, Sched. 3, s. 10 (17). Bill 108 Sched 12 s 6 (13).
S. 35.2 (5)	**Restrictions on authority** (5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), (a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units; and (b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the by-law requirement for affordable housing units. 2016, c. 25, Sched. 4, s. 4.	**Restrictions on authority** (5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. Bill 108 Sched 12 s 7.
S. 36 (3)	**Appeal to L.P.A.T.** (3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 150 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal	**Appeal to L.P.A.T.** (3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 90 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal

	shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order. 2017, c. 23, Sched. 3, s. 11 (1).	shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order. 2017, c. 23, Sched. 3, s. 11 (1). Bill 108 Sched 12 s 8 (1).
S. 36 (4)	**Application of subss. 34 (10.7, 10.9-20.4, 22-34)** (4) Subsections 34 (10.7), (10.9) to (20.4) and (22) to (34) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law. R.S.O. 1990, c. P.13, s. 36 (4); 1994, c. 23, s. 22 (2); 1996, c. 4, s. 22; 2009, c. 33, Sched. 21, s. 10 (6); 2017, c. 23, Sched. 3, s. 11 (2).	**Application of subss. 34 (10.7, 10.9-20.4, 22-34)** (4) Subsections 34 (10.7) and (10.9) to (25.1) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law. R.S.O. 1990, c. P.13, s. 36 (4); 1994, c. 23, s. 22 (2); 1996, c. 4, s. 22; 2009, c. 33, Sched. 21, s. 10 (6); 2017, c. 23, Sched. 3, s. 11 (2). Bill 108 Sched 12 s 8 (2).
S.37	**Increased density, etc., provision by-law** **37** (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. **Condition** (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development. **Agreements** (3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters. **Registration of agreement** (4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the	**Community benefits charges** **Definitions** **37** (1) In this section, "specified date" means the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act; ("date précisée") "valuation date" means, with respect to land that is the subject of development or redevelopment, (a) the day before the day the building permit is issued in respect of the development or redevelopment, or (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. ("date d'évaluation") **Community benefits charge by-law** (2) The council of a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. **What charge can be imposed for** (3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

	provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37. **Special account** (5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27. **Investments** (6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27. **Treasurer's statement** (7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27. **Requirements** (8) The statement shall include, for the preceding year, (a) statements of the opening and closing balances of the special account and of the transactions relating to the account; (b) statements identifying, (i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year, (ii) details of the amounts spent, and (iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and I any other information that is prescribed. 2015, c. 26, s. 27. **Copy to Minister** (9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27. **Statement available to public**	(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34; (b) the approval of a minor variance under section 45; I a conveyance of land to which a by-law passed under subsection 50 (7) applies; (d) the approval of a plan of subdivision under section 51; I a consent under section 53; (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure. **Excluded development or redevelopment** (4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed. **Excluded facilities, services and matters** (5) A community benefits charge may not be imposed with respect to the following: 1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997.* 2. Such other facilities, services or matters as are prescribed. **In-kind contributions** (6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies. **Notice of value of in-kind contributions** (7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them. **Deduction of value of in-kind contributions** (8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

	(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.	**Community benefits charge strategy** (9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that, (a) identifies the facilities, services and matters that will be funded with community benefits charges; and (b) complies with any prescribed requirements. **Consultation** (10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate. **Limitation** (11) Only one community benefits charge by-law passed by the council of a given municipality may be in effect at a time. **Maximum amount of community benefits charge** (12) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date. **Payment under protest and appraisal provided by owner** (13) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (12), the owner shall, (a) pay the charge under protest; and (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date. **No appraisal under cl. (13) (b)** (14) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (13) (b), the payment is deemed not to have been made under protest. **Appraisal provided by the municipality** (15) If the municipality disputes the value of the land identified in the appraisal referred to in clause (13) (b), the municipality shall, within the

		prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date. **No appraisal under subs. (15)** (16) If the municipality does not provide an appraisal in accordance with subsection (15), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b). **Appraisal under subs. (15) within 5%** (17) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b) or subsection (15), whichever identifies the higher value of the land. **Appraisal under subs. (15) not within 5%** (18) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (22) prepare an appraisal of the value of the land as of the valuation date. **Time period for appraisal referred to in subs. (18)** (19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period. **Appraisal under subs. (18)** (20) If an appraisal is prepared in accordance with subsection (18), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the

		municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in subsection (18). **Non-application of 38ubs. (16), (17) and (20)** (21) For greater certainty, a refund is not required under subsection (16), (17) or (20) if the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the applicable appraisal is greater than the amount of the community benefits charge imposed by the municipality. **List of appraisers** (22) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who, (a) are not employees of the municipality or members of its council; and (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18). **Same** (23) A municipality shall maintain the list referred to in subsection (22) until the later of, (a) the day on which the community benefits charge by-law is repealed; and (b) the day on which there is no longer any refund that is or could be required to be made under subsection (20). **No building without payment** (24) No person shall construct a building on the land proposed for development or redevelopment unless, (a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and (b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made. **Special account**

		(25) All money received by the municipality under a community benefits charge by-law shall be paid into a special account. **Investments** (26) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account. **Requirement to spend or allocate monies in special account** (27) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year. **Reports and information** (28) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. **Application of subs. (30)** (29) Subsection (30) applies with respect to the following: 1. A special account established in accordance with subsection 37 (5), as it read on the day before the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force. 2. A reserve fund established in accordance with section 33 of the *Development Charges Act, 1997* before the day section 2 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force in respect of any of the services described in subsection 9.1 (3) of the *Development Charges Act, 1997*. **Transition respecting special account and reserve fund described in subs. (29)** (30) The following rules apply with respect to a special account or reserve fund described in subsection (29): 1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it

		passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (25). 2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected. 3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2. 4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (25). **Credit under s. 38 of *Development Charges Act, 1997*** (31) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any of the services described in subsection 9.1 (3) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law. Bill 108 Sched 12 s 9.
S. 37.1	N/A	**Transitional matters respecting repealed s. 37, etc.** **Definitions** **37.1** (1) In this section, "by-law described in the repealed subsection 37 (1)" means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; ("règlement municipal visé au paragraphe 37 (1) abrogé") "effective date" means the day section 9 of Schedule 12

		to the *More Homes, More Choice Act, 2019* comes into force. ("date d'effet") **Continued application of repealed 41ubs. 37 (1) to (5)** (2) Despite their repeal by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section: 1. Subsections 37 (1) to (4), as they read on the day before the effective date. 2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25). **By-law described in repealed subs. 37 (1)** (3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1): 1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law. 2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25). 3. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the lands that are the subject of the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the lands on the day before the applicable date described in subsection (5) of this section, regardless of whether the development charge by-law has expired or been repealed. 4. For the purposes of paragraph 3, the following rules apply:

		i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection (5), ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 3 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act. 5. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37. 6. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is subject to any by-law under section 42, as it read on the day before the day subsection 12 (3) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, that applied to the lands on the day before the effective date, regardless of whether the by-law has been repealed. 7. For the purposes of paragraph 6, the reference to a by-law under section 42 is a reference to the by-law, as it read on the day before the effective date. **Non-application of subs. (3)** (4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law, (a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or (b) is repealed. **Applicable date** (5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of, (a) the day the municipality passes a by-law under section 37; and (b) the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act. Bill 108 Sched 12 s 10.

S. 38 (5)	**Application** (5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26), as they read on the day before subsection 12 (2) of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2).	**Application** (5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2). Bill 108 Sched 12 s 11.
S. 42 (0.1)	**Conveyance of land for park purposes Definitions** (0.1) In this section, "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; ("logement") "effective date" means the day subsection 28 (1) of the Smart Growth for Our Communities Act, 2015 comes into force. ("date d'effet") 2015, c. 26, s. 28 (1).	N/A (Subsection 42 (0.1) is repealed.) Bill 108 Sched 12 s 12 (1).
S. 42 (2)	(2) REPEALED: 2015, c. 26, s. 28 (2).	**Community benefits charge by-law** (2) Subject to paragraph 6 of subsection 37.1 (3), a by-law under subsection (1) is of no force and effect if a community benefits charge by-law under section 37 passed by the council of the local municipality is in force. Bill 108 Sched 12 s 12 (2).
S. 42 (3) - (4.3), (6.0.1) - (6.0.3)	**Alternative requirement** (3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3). **Official plan requirement** (4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public	N/A (Subsection 42 (3) to (4.3) and (6.0.1) to (6.0.3) are repealed.) Bill 108 Sched 12 s 12 (3).

	recreational purposes and the use of the alternative requirement. R.S.O. 1990, c. P.13, s. 42 (4). **Parks plan** (4.1) Before adopting the official plan policies described in subsection (4), the local municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality. 2015, c. 26, s. 28 (3). **Same** (4.2) In preparing the parks plan, the municipality, (a) shall consult with every school board that has jurisdiction in the municipality; and (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 28 (3). **Same** (4.3) For greater certainty, subsection (4.1) and clause (4.2) (a) do not apply with respect to official plan policies adopted before the effective date. 2015, c. 26, s. 28 (3). Bill 108 Sched 12 s 12 (3) **Payment in lieu** **Same** (6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4). **Deemed amendment of by-law** (6.0.2) If a by-law passed under this section requires a payment in lieu that exceeds the amount calculated under subsection (6.0.1), in circumstances where the alternative requirement set out in subsection (3) applies, the by-law is deemed to be amended to be consistent with subsection (6.0.1). 2015, c. 26, s. 28 (4). **Transition** (6.0.3) If, on or before the effective date, in circumstances where the alternative requirement set out in subsection (3) applies, a payment in	

	lieu has been made or arrangements for a payment in lieu that are satisfactory to the council have been made, subsections (6.0.1) and (6.0.2) do not apply. 2015, c. 26, s. 28 (4). Bill 108 Sched 12 s 12 (3)	
S. 42 (6.1)	**No building without payment** (6.1) If a payment is required under subsection (6) or (6.0.1), no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5).	**No building without payment** (6.1) If a payment is required under subsection (6), no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5). Bill 108 Sched 12 s 12 (4).
S. 42 (6.2)	**Redevelopment, reduction of payment** (6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) or (6.0.1) by the value of that part. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6).	**Redevelopment, reduction of payment** (6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) by the value of that part. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6). Bill 108 Sched 12 s 12 (5).
S. 42 (6.3)	**Redevelopment, reduction of payment** **Same** (6.3) The conditions mentioned in subsection (6.2) are: 1. The official plan contains policies relating to the reduction of payments required under subsection (6) or (6.0.1). 2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7).	**Redevelopment, reduction of payment** **Same** (6.3) The conditions mentioned in subsection (6.2) are: 1. The official plan contains policies relating to the reduction of payments required under subsection (6). 2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7). Bill 108 Sched 12 s 12 (6).
S. 42 (6.4)	**Determination of value** (6.4) For the purposes of subsections (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8).	**Determination of value** (6.4) For the purposes of subsections (6) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8). Bill 108 Sched 12 s 12 (7).
S. 42 (15)	**Special account**	**Special account**

	(15) All money received by the municipality under subsections (6), (6.0.1) and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes. 1994, c. 23, s. 25; 2009, c. 33, Sched. 21, s. 10 (10); 2015, c. 26, s. 28 (10).	(15) All money received by the municipality under subsections (6) and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes. 1994, c. 23, s. 25; 2009, c. 33, Sched. 21, s. 10 (10); 2015, c. 26, s. 28 (10). Bill 108 Sched 12 s 12 (8).
S. 42 (17) - (20)	**Treasurer's statement** (17) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 28 (11). **Requirements** (18) The statement shall include, for the preceding year, (a) statements of the opening and closing balances of the special account and of the transactions relating to the account; (b) statements identifying, (i) any land or machinery acquired during the year with funds from the special account, (ii) any building erected, improved or repaired during the year with funds from the special account, (iii) details of the amounts spent, and (iv) for each asset mentioned in subclauses (i) and (ii), the manner in which any capital cost not funded from the special account was or will be funded; and (c) any other information that is prescribed. 2015, c. 26, s. 28 (11). **Copy to Minister** (19) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 28 (11). **Statement available to public** (20) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 28 (11).	**Reports and information** (17) A council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. Bill 108 Sched 12 s 12 (9).

S. 45 (1.0.3)	**Criteria by-law** (1.0.3) The council of a local municipality may, by by-law, establish criteria for the purposes of clause (1.0.1) (b) and the following provisions as they read on the day before section 14 of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply, with necessary modifications, in respect of the by-law: 1. Clause 34 (12) (a). 2. Subsections 34 (13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26). 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 3, s. 14.	**Criteria by-law** (1.0.3) The council of a local municipality may, by by-law, establish criteria for the purposes of clause (1.0.1) (b) and the following provisions apply, with necessary modifications, in respect of the by-law: 1. Clause 34 (12) (a). 2. Subsections 34 (13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26). 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 3, s. 14. Bill 108 Sched 12 s 13 (1).
S. 45 (17)	**Dismissal without hearing** (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) the appellant has not provided written reasons for the appeal; (c) the appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5).	**Dismissal without hearing** (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) the appellant has not provided written reasons for the appeal; (c) the appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5). Bill 108 Sched 12 s 13 (2).
S. 51 (20) - (21.2)	**Notice** (20) At least 14 days before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that,	**Public meeting** (20) Before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that a public meeting is held, if required by regulation, notice of which shall be given

	(a) notice of the application is given, if required by regulation, in the manner and to the persons and public bodies and containing the information prescribed; and (b) a public meeting is held, if required by regulation, notice of which shall be given in the manner and to the persons and public bodies and containing the information prescribed. 1996, c. 4, s. 28 (4). **Request** (21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided give notice of the application or hold the public meeting referred to in subsection (20) or do both. 1996, c. 4, s. 28 (4). **Responsibilities** (21.1) A local municipality or planning board that is requested to give the notice referred to in clause (20) (a) shall ensure that, (a) the notice is given in accordance with the regulation made under clause (20) (a); and (b) the prescribed information and material are submitted to the approval authority within 15 days after the notice is given. 1996, c. 4, s. 28 (4). **Same** (21.2) A local municipality or planning board that is requested to hold the public meeting referred to in clause (20) (b) shall ensure that, (a) notice of the meeting is given in accordance with the regulation made under clause (20) (b); (b) the public meeting is held; and (c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held. 1996, c. 4, s. 28 (4).	in the manner and to the persons and public bodies prescribed and shall contain the information prescribed. **Request** (21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided hold the public meeting referred to in subsection (20). **Responsibilities** (21.1) A local municipality or planning board that is requested to hold the public meeting referred to in subsection (20) shall ensure that, (a) notice of the meeting is given in accordance with subsection (20); (b) the public meeting is held; and (c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held. Bill 108 Sched 12 s 14 (1).
S. 51 (34)	**Appeal to L.P.A.T.** (34) If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Tribunal with respect to the proposed subdivision by filing a notice with the approval authority,	**Appeal to L.P.A.T.** (34) If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 120 days after the day the application is received by the approval authority, the applicant may appeal to the Tribunal with respect to the proposed subdivision by filing a notice with the approval authority,

	accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81.	accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81. Bill 108 Sched 12 s 14 (2).
S. 51 (39)	**Appeal** (39) Subject to subsection (43), not later than 20 days after the day that the giving of notice under subsection (37) is completed, any of the following may appeal the decision, the lapsing provision or any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A person or public body who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority. 3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (8); 2017, c. 23, Sched. 5, ss. 80, 81.	**Appeal** (39) Subject to subsection (43), not later than 20 days after the day that the giving of notice under subsection (37) is completed, any of the following may appeal the decision, the lapsing provision or any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority. 2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority. 3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (8); 2017, c. 23, Sched. 5, ss. 80, 81. Bill 108 Sched 12 s 14 (3), (4).
S. 51 (43)	**Appeal** (43) At any time before the approval of the final plan of subdivision under subsection (58), any of the following may appeal any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.	**Appeal** (43) At any time before the approval of the final plan of subdivision under subsection (58), any of the following may appeal any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

	3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any public body. 2006, c. 23, s. 22 (9); 2017, c. 23, Sched. 5, ss. 80, 81.	2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority. 3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any public body. 2006, c. 23, s. 22 (9); 2017, c. 23, Sched. 5, ss. 80, 81. Bill 108 Sched 12 s 14 (5).
S. 51 (48)	**Appeal** (48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A person or public body who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions. 3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (10); 2017, c. 23, Sched. 5, ss. 80, 81.	**Appeal** (48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017: 1. The applicant. 2. A public body that, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions. 2.1. A person listed in subsection (48.3) who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions. 3. The Minister. 4. The municipality in which the land is located or the planning board in whose planning area the land is located. 5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (10); 2017, c. 23, Sched. 5, ss. 80, 81. Bill 108 Sched 12 s 14 (6), (7).
S. 51 (48.3)	N/A	**Persons referred to in para. 2.1 of subs. (39), etc.**

		(48.3) The following are listed for the purposes of paragraph 2.1 of subsection (39), paragraph 2.1 of subsection (43) and paragraph 2.1 of subsection (48): 1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply. 2. Ontario Power Generation Inc. 3. Hydro One Inc. 4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply. 5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply. 6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply. 7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply. 8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply. Bill 108 Sched 12 s 14 (8).
S. 51 (52.4)	**New evidence at hearing** **Same** (52.4) If subsection (52.3) applies and if the approval authority so requests, the Tribunal shall not admit the information and material into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed. 2017, c. 23, Sched. 3, s. 16.	**New evidence at hearing** **Same** (52.4) When subsection (52.3) applies, the Tribunal may, on its own initiative or on a motion by the approval authority or any party, consider whether the information and material could have materially affected the approval authority's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection

		(52.5) has been complied with and the prescribed time period has elapsed. Bill 108 Sched 12 s 14 (9).
S. 51 (53)	**Dismissal without hearing** (53) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may dismiss an appeal without holding a hearing on its own initiative or on the motion of any party, if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as to the condition appealed to it, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) REPEALED: 2006, c. 23, s. 22 (14). € the appellant has not provided written reasons for the appeal; (d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or € the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (14, 15); 2006, c. 23, s. 22 (12-14); 2017, c. 23, Sched. 5, s. 99 (7).	**Dismissal without hearing** (53) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as to the condition appealed to it, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) REPEALED: 2006, c. 23, s. 22 (14). € the appellant has not provided written reasons for the appeal; (d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or € the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (14, 15); 2006, c. 23, s. 22 (12-14); 2017, c. 23, Sched. 5, s. 99 (7). Bill 108 Sched 12 s 14 (10).
S. 51.1 (0.1)	**Definitions** (0.1) In this section, "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; ("logement") "effective date" means the day subsection 32 (1) of the Smart Growth for Our Communities Act, 2015 comes into force. ("date d'effet") 2015, c. 26, s. 32 (1).	**Definition** (S.1) In this section, "effective date" means the day section 9 of Schedule 12 to the More Homes, More Choice Act, 2019 comes into force. Bill 108 Sched 12 s 15 (1).

S. 51.1 (2) - (2.3)	**Other criteria** (2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality. 1994, c. 23, s. 31. **Parks plan** (2.1) Before adopting the official plan policies described in subsection (2), the municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality. 2015, c. 26, s. 32 (1). **Same** (2.2) In preparing the parks plan, the municipality, (a) shall consult with every school board that has jurisdiction in the municipality; and (b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 32 (1). **Same** (2.3) For greater certainty, subsection (2.1) and clause (2.2) (a) do not apply with respect to official plan policies adopted before the effective date. 2015, c. 26, s. 32 (1). Bill 108 Sched 12 s 15 (2)	N/A (Subsections 51.1 (2), (2.1) and (2.2) are repealed.) Sched 12 s 15 (2).
S. 51.1 (3)	**Payment in lieu** (3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).	**Payment in lieu** (3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2). Bill 108 Sched 12 s 15 (3).

S. 51.1 (3.1)	**Payment in lieu** **Same** (3.1) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies, the municipality may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be determined by the municipality. 2015, c. 26, s. 32 (2). **Transition** (3.2) If the draft plan of subdivision is approved on or before the effective date, the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) applies, (a) subsection (3.1) does not apply; and (b) subsection (3), as it reads on the day before the effective date, continues to apply. 2015, c. 26, s. 32 (2). Bill 108 Sched 12 s 15 (4)	N/A (Subsections 51.1 (3.1) and (3.2) are repealed.) Bill 108 Sched 12 s 15 (4).
S. 51.1 (4)	**Determination of value** (4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3).	**Determination of value** (4) For the purpose of determining the amount of any payment required under subsection (3), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3). Bill 108 Sched 12 s 15 (5).
S. 51.1 (5)	**Application** (5) Subsections 42 (5) and (12) to (20) apply with necessary modifications to a conveyance of land or a payment of money under this section. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (4).	**Application** (5) Subsections 42 (5) and (12) to (17) apply with necessary modifications to a conveyance of land or a payment of money under this section. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (4). Bill 108 Sched 12 s 15 (6).
S. 51.1 (6) - (7)	N/A	**Non-application of by-law under s. 37** (6) The development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge bylaw under section 37, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection (1) on or after the effective date. **Transition**

		(7) If the draft plan of subdivision is approved before the effective date and the approval authority has imposed a condition under subsection (1), the following rules apply with respect to the land within the draft plan of subdivision: 1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to the land. 2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, applies with respect to the land. 3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land. 4. Subsection 37 (5), as it read on the day before the effective date, applies with respect to the land, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25). 5. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the land is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the land on the day before the applicable date described in subsection 37.1 (5) of this Act, regardless of whether the development charge by-law has expired or been repealed. 6. For the purposes of paragraph 5, the following rules apply: i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection 37.1 (5), ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 5 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.

		7. The development or redevelopment of the land is not subject to a community benefits charge by-law under section 37. Bill 108 Sched 12 s 15 (7).
S. 53 (7.1)	**Responsibilities** (7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that, (a) the notice is given in accordance with the regulation made under clause (5) (a); and (b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given. 1996, c. 4, s. 29 (1).	**Responsibilities** (7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that, (a) the notice is given in accordance with clause (5) (a); and (b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given. 1996, c. 4, s. 29 (1). Bill 108 Sched 12 s 16 (1).
S. 53 (7.2)	**Responsibilities** **Same** (7.2) A local municipality or planning board that is requested under subsection (6) or (7) to hold a public meeting shall ensure that, (a) notice of the meeting is given in accordance with the regulation made under clause (5) (b); (b) the public meeting is held; and (c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held. 1996, c. 4, s. 29 (1).	**Responsibilities** **Same** (7.2) A local municipality or planning board that is requested under subsection (6) or (7) to hold a public meeting shall ensure that, (a) notice of the meeting is given in accordance with clause (5) (b); (b) the public meeting is held; and (c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held. 1996, c. 4, s. 29 (1). Bill 108 Sched 12 s 16 (2).
S. 53 (31)	**Dismissal without hearing** (31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or	**Dismissal without hearing** (31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or

	(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission; (c) the appellant has not provided written reasons for the appeal; (d) the appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or (e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 100 (6).	(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process; (b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission; (c) the appellant has not provided written reasons for the appeal; (d) the appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or (e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 100 (6). Bill 108 Sched 12 s 16 (3).
S. 70.1 (1) 24.1	24.1 prescribing information for the purposes of clause 37 (8) (c);	24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4); 24.1.1 prescribing facilities, services or matters for the purposes of paragraph 2 of subsection 37 (5); 24.1.2 prescribing requirements for the purposes of clause 37 (9) (b); 24.1.3 prescribing the percentage referred to in subsection 37 (12) to be applied to the value of land; 24.1.4 prescribing time periods for the purposes of clause 37 (13) (b) and subsections 37 (15) and (19); Bill 108 Sched 12 s 17 (1).
S. 70.1 (1) 24.2	24.2 prescribing information for the purposes of clause 42 (18) (c);	N/A (Paragraph 24.2 of subsection 70.1. (1) is repealed.) Bill 108 Sched 12 s 17 (2).
S. 70.1 (1) 27	27. requiring that notice be given under subsections 51 (20) and 53 (5);	27. requiring that notice be given under subsection 53 (5); Bill 108 Sched 12 s 17 (3).
S. 70.1 (31)	31 respecting any other matter that this Act refers to as a matter prescribed, specified or determined under the regulations, or as a matter otherwise dealt with by the regulations, other than matters respecting which the Lieutenant Governor in Council has authority to make regulations under sections sections 70 and 70.2, subsection 70.2.2 (5)	31 respecting any other matter that this Act refers to as a matter prescribed, specified or determined under the regulations, or as a matter otherwise dealt with by the regulations, other than matters respecting which the Lieutenant Governor in Council has authority to make regulations under sections sections 70, 70.2 and 70.3. 2006, c. 23, s.

	and section 70.3. 2006, c. 23, s. 26; 2015, c. 26, s. 35; 2016, c. 25, Sched. 4, s. 10 (1-6).	26; 2015, c. 26, s. 35; 2016, c. 25, Sched. 4, s. 10 (1-6). Bill 108 Sched 12 s 17 (4).
S. 70.1 (3.1)	N/A	**Same** (3.1) A regulation made under paragraph 24.1.3 of subsection (1) may prescribe different percentages for different municipalities or classes of municipalities and for different values of land. Bill 108 Sched 12 s 17 (5)
S. 70.2 (2) (a)	**Contents** (2) A regulation under subsection (1) may, (a) vary, supplement or override any provision in Part V or any municipal by-law passed under Part V as necessary to establish a development permit system; (b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system; (c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation; (d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation; (e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard; (f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established; (g) prescribe conditions or criteria that must be met before a municipality passes a by-law adopting or establishing a development permit system; (h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit; (i) prescribe powers that the municipality may exercise in administering a development permit system;	**Contents** (2) A regulation under subsection (1) may, (a) vary, supplement or override any provision in Part V as necessary to establish a development permit system, including, for greater certainty, providing that there is no appeal in respect of a by-law passed by a municipality to adopt or establish a development permit system; (a.1) vary, supplement or override any municipal by-law passed under Part V as necessary to establish a development permit system; (b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system; (c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation; (d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation; (e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard; (f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established; (g) prescribe conditions or criteria that must be met before a municipality passes a by-law adopting or establishing a development permit system;

	(j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass bylaws adopting or establishing a development permit system; (k) establish different standards or procedures for different municipalities or classes of municipalities; (l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties; (m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit; (n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area; (o) prescribe provisions that must be contained in a development permit system; (p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law; (q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system. 1994, c. 23, s. 46; 2015, c. 26, s. 36 (1); 2017, c. 23, Sched. 5, s. 102.	(h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit; (i) prescribe powers that the municipality may exercise in administering a development permit system; (j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass bylaws adopting or establishing a development permit system; (k) establish different standards or procedures for different municipalities or classes of municipalities; (l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties; (m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit; (n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area; (o) prescribe provisions that must be contained in a development permit system; (p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law; (q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system. 1994, c. 23, s. 46; 2015, c. 26, s. 36 (1); 2017, c. 23, Sched. 5, s. 102. Bill 108 Sched 12 s 18.
S. 70. 2. 2	**Orders and by-laws re development permit system** **Orders** (1) The Minister may, by order,	**Orders re development permit system** (1) The Minister may, by order, require a local municipality to adopt or establish a development permit system that applies to, (a) the area specified in the order, in the case of an order that delineates the area's boundaries; or

	(a) require a local municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5); or (b) require an upper-tier municipality to act under subsection (3). 2015, c. 26, s. 37. **Non-application of *Legislation Act, 2006*, Part III** (2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2015, c. 26, s. 37. **By-laws** (3) An upper-tier municipality may, by by-law, require a local municipality that is its lower-tier municipality to adopt or establish a development permit system for one or more purposes specified under subsection (5). 2015, c. 26, s. 37. **Effect of order or by-law** (4) When an order made under subsection (1) or a by-law passed under subsection (3) is in effect, the local municipality, (a) shall adopt or establish a development permit system; and (b) has discretion to determine what parts of its geographic area are to be governed by the development permit system. 2015, c. 26, s. 37. **Regulations** (5) The Lieutenant Governor in Council may, by regulation, specify purposes in respect of which orders and by-laws requiring the adoption or establishment of development permit systems may be made under subsections (1) and (3). 2015, c. 26, s. 37.	(b) an area surrounding and including a specified location, in the case of an order that does not delineate the area's boundaries. **Non-application of *Legislation Act, 2006*, Part III** (2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). **Effect of order under cl. (1) (a)** (3) When an order made under clause (1) (a) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of the area referred to in clause (1) (a). **Effect of order under cl. (1) (b)** (4) When an order made under clause (1) (b) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of, (a) the specified location referred to in clause (1) (b); and (b) an area surrounding the specified location referred to in clause (1) (b). **Determination of boundaries** (5) For the purposes of clause (4) (b), the local municipality has discretion to determine the boundaries of the area that is to be governed by the development permit system. Bill 108 Sched 12 s 19.
S. 70.10	N/A	**Regulations re transitional matters, 2019 amendments** (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date. **Same** (2) A regulation made under this section may, without limitation, (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective

		date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date; (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation. **Same** (3) If a regulation under this section provides for a matter or proceeding to be continued and disposed of under this Act, as it reads on and after the effective date, where the notice of appeal was filed under subsection 17 (24) or (36), 22 (7) or 34 (11) or (19) before the effective date, the regulation may also, (a) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal; (b) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal in the notice required under clause (a); (c) deem an appeal to have been dismissed where the new notice of appeal was not received within the period of time specified by the Tribunal in the notice required under clause (a); (d) provide that, despite the Local Planning Appeal Tribunal Act, 2017, an appellant is not required to pay a fee charged under that Act. **Conflict** (4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation. **Definition** (5) In this section, "effective date" means the day section 20 of Schedule 12 to the More Homes, More Choice Act, 2019 comes into force. Bill 108 Sched 12 s 20.
Commencement This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor. Bill 108 Sched 12 s 21.		