Citizen’s guide to land use planning

Learn about the rules and processes municipalities follow for community development and growth in Ontario.

Overview

Land use planning helps municipalities manage land and resources and guides decisions about where:

- to build homes and factories
- to put parks and schools
- roads, sewers and other essential services are needed

Land use planning helps each community to set development goals while keeping social, economic and environmental factors in mind. It also balances the interests of individual property owners with the wider interests of the whole community.

Read this guide to learn more about land use planning, including the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) , official plans, and zoning bylaws. This guide is for information only and offers a summary of legislation and policies that are subject to change. It is **not** a legal interpretation of the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) or any other act.

How you can find out more

For more information about land use planning in your community, contact your municipality (https://www.ontario.ca/page/list-ontario-municipalities) .

For more information about land use planning in Ontario, contact your nearest Municipal Services Office (https://www.ontario.ca/page/find-your-municipal-services-office) .

This guide was produced by the Ministry of Municipal Affairs and Housing (https://www.ontario.ca/page/ministry-municipal-affairs-housing) , Planning and Housing Policy Branch, provincialplanning@ontario.ca (mailto:provincialplanning@ontario.ca)

The Planning Act

The *Planning Act* (https://www.ontario.ca/laws/statute/90p13) (the Act) is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

The purpose of the Act is to:

- provide for planning processes that are fair by making them open, accessible, timely and efficient
- promote sustainable economic development in a healthy natural environment within a provincial policy framework
- provide for a land use planning system led by provincial policy
- integrate matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Planning Statement and conform/not conflict with provincial plans
- encourage co-operation and coordination among various interests
- recognize the decision-making authority and accountability of municipal councils in planning

The Act provides the basis for:

- considering provincial interests, such as providing for a full range of housing options, including affordable housing, and protecting and managing our natural resources
- preparing official plans (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) and planning policies that will guide future development
- using a variety of tools, based on municipal discretion, to help plan for the future
- establishing a streamlined planning process which emphasizes local autonomy in decision-making
- exempting official plans and official plan amendments from provincial or upper-tier approval (See section 2 (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) , Official plans)
- regulating and controlling land uses through zoning bylaws and minor variances (See section 3 (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) , Zoning bylaws)

- dividing land into separate lots for sale or development through a plan of subdivision or a land severance (See section 4 (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions) , Subdivisions and section 5 (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) , Land severances)
- ensuring the rights of local citizens to be notified about planning proposals and to give their views to their municipal council
- providing for the right to appeal decisions, in certain circumstances, to the Ontario Land Tribunal (https://olt.gov.on.ca) (OLT) or in some cases, a municipal local appeal body (LAB) where a LAB has been established by a municipality. The OLT and LAB are independent administrative tribunals responsible for hearing appeals and deciding on a variety of contentious municipal matters (See section 6 (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal) , Ontario Land Tribunal)
- establishing local planning administration, including planning boards in Northern Ontario (See section 7 (https://www.ontario.ca/document/citizens-guide-land-use-planning/northern-ontario) , Northern Ontario)
- providing that provincial appeals can only be made through the Ministry of Municipal Affairs and Housing (See section 9 (https://www.ontario.ca/document/citizens-guide-land-use-planning/plan-review-and-approval-process) , The plan review and approval process)

The role of the province

The province:

- issues provincial policy statements under the *Planning Act*
- promotes provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) , such as:
    - providing for adequate housing and employment opportunities
    - protecting farmland, natural resources and the environment
    - promoting development that is designed to be sustainable, supportive of public transit and designed for the needs of pedestrians
- prepares provincial plans (for example, Niagara Escarpment Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan)

- provides one-window planning service to municipalities through the Ministry of Municipal Affairs and Housing, the primary provincial contact for advice and information on land use planning issues
- gives advice to municipalities and the public on land use planning issues
- administers local planning controls and gives approval where required
- through the Minister of Municipal Affairs and Housing, makes minister’s zoning orders

The role of municipalities

The municipality:

- makes local planning decisions that will determine the future of communities
- prepares planning documents, such as:
  - an official plan, which sets out the municipality's general planning goals and policies that will guide future land use
  - zoning bylaws, which set the rules and regulations that control development as it occurs
- ensures planning decisions and planning documents are up-to-date and consistent with the Provincial Planning Statement and conform or do not conflict with provincial plans

Under the *Planning Act*, municipalities can put approval processes in place that help make planning work clearer and faster, where it is possible and appropriate.

The Planning Act also gives planning boards in Northern Ontario the power to adopt official plans and pass zoning bylaws for areas without municipal organization within their planning areas.

In Ontario, there are 3 types of municipalities: upper-tier municipalities (found within a two-tier municipal structure and comprised of 2 or more lower-tier municipalities), lower-tier municipalities (found within a two-tier municipal structure and making up part of an upper-tier municipality) and single-tier municipalities. Lower-tier and single-tier municipalities are also sometimes referred to as local municipalities. All municipalities in northern Ontario are single-tier.

The legal powers and responsibilities of these 3 types of municipalities vary from one another. If your municipality operates in a two-tier structure, the upper-tier municipality delivers certain services within its geographical boundaries.

Some upper-tier municipalities (such as counties and regional/district municipalities) as well as planning boards deal with broad land use planning issues that concern more than one local municipality and have their own official plan.

Some upper-tier municipalities are also the approval authority for local official plans and amendments and plans of subdivision (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions), in place of the Minister of Municipal Affairs and Housing.

Contact your municipality (https://www.ontario.ca/page/list-ontario-municipalities) to determine the approval authority for official plans and plans of subdivision in your area.

The Provincial Planning Statement

Under the *Planning Act*, the Minister of Municipal Affairs and Housing may issue provincial statements on matters related to land use planning that are of provincial interest.

The Provincial Planning Statement, 2024 (https://www.ontario.ca/pps) (PPS) applies provincewide and contains policy direction related to:

- growth and development
- infrastructure and facilities
- the use and management of resources
- the protection of the environment
- public health and safety

Municipalities are the primary implementers of PPS policies through:

- official plans
- zoning bylaws
- decisions on other planning matters

To protect local and provincial interests, municipalities should ensure that their planning documents are up to date with the PPS. The policies of the PPS continue to apply after

adoption and approval of an official plan.

Below is a description of the main policy sections in the PPS:

Building homes, sustaining strong and competitive communities

The PPS provides policy direction to help build homes and create strong, competitive communities in Ontario. This includes policies that guide long-term planning to ensure sufficient land is available to meet future needs, and achieving equitable and complete communities by:

- making efficient use of both land and infrastructure
- directing municipalities to support planning for an appropriate range and mix of housing options, including affordable housing and densities (the number of people and jobs per hectare) to meet the needs of current and future residents
- encouraging growth and development to be focused in strategic growth areas, such as downtowns and major transit station areas
- promoting economic development and competitiveness by protecting and preserving employment areas, maintaining compatible land uses while also encouraging compact, mixed-use development
- supporting healthy, integrated and viable rural areas that provide an appropriate range and mix of housing and promote employment opportunities

Wise management of resources

The PPS includes strong policy direction to protect the province's natural heritage (such as wetlands and woodlands), water, agricultural, mineral, cultural heritage (such as built heritage resources and cultural heritage landscapes) and archaeological resources. Protecting these important resources will help ensure Ontario's long-term prosperity, environmental health and social well-being.

Protecting public health and safety

The PPS protects Ontario communities through policies directing development away from areas of natural (such as flooding hazards) or human-made hazards (such as mine hazards) where there is an unacceptable risk to public health or safety, or property damage. It also provides for the consideration of the potential impacts of climate change

(for example, flooding due to severe weather) that may increase the risk associated with natural hazards.

Applying the PPS

Generally, when decision-makers exercise any authority that affects planning matters, the *Planning Act* requires that they "shall be consistent with" the PPS. This means that a decision-maker must ensure that the policies in the PPS are applied as an essential part of the land use planning decision-making process. Decision makers implement the PPS in the context of other planning objectives and local circumstances. However, a minister's zoning order is not required to be consistent with the PPS and can take other considerations into account.

How the *Planning Act* works

Municipal councils, landowners, developers, planners and the public play an important role in shaping a community. Community planning is aimed at identifying common community goals and balancing competing interests.

The central activity in planning a community is making an official plan, a document which guides future development of an area in the best interest of the community as a whole.

Your municipal council must give you as much information as possible when preparing its official plan and, in some cases, must hold a public open house to let the public review, ask questions and provide suggestions or comments about the plan. Before it adopts the plan, council must hold at least one public meeting where you can formally give your opinion. It is up to council to decide the best way to let people know about the meeting, but notice must be given at least 20 days ahead of time, through local newspapers, on a municipal website if there is no local print newspaper available or by mail and posted notice.

The Act gives municipalities flexibility to tailor their notices (for example, who receives notice and how it is given) for a broad range of matters, including:

- official plan amendments (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans#section-6)
- zoning bylaws (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) and amendments

- plans of subdivision (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions)
- consents (severances (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents)) and minor variances

Your municipal council can develop a notice process that is different from what is set out in the *Planning Act,* but must be set out in the official plan.

Your municipal council can also consider how to meet the *Planning Act*'s requirements using:

- electronic and virtual channels to engage and solicit feedback from the public on land use planning matters. This may include a mixture of technologies to meet local public needs (for example, webinars, video conferencing, moderated teleconference)
- non-English and French language materials to engage culturally diverse communities

The Act encourages early upfront involvement and the use of mediation techniques to resolve conflict. Make sure you make your views known early in the planning process.

The *Planning Act* contains similar procedures for changes to the official plan, for zoning bylaw amendments and approval of plans of subdivision.

Get involved

You can be an important part of the land use planning process by keeping informed about what's going on in your community and by participating in public meetings.

Your input will help your municipal council make better decisions that affect your future. If you are concerned about all or any part of a planning proposal or policy change, you should:

- find out as much as you can about the proposal
- think about how it will affect you
- talk to your neighbours
- go to public meetings, open houses and information sessions and let council know what you think
- write to your council member or the municipal officials about your views

- work with council and municipal staff to resolve your concerns

Official plans

About official plans

An official plan describes your upper, lower or single tier municipal council or planning board's policies on how land in your community should be used. It is prepared with input from your community and helps to ensure that future planning and development will meet the specific needs of your community.

An official plan deals mainly with issues such as:

- where new housing, industry, offices and shops will be located
- what services like roads, watermains, sewers, parks and schools will be needed
- when, and in what order, parts of your community will grow
- community improvement initiatives

Why you need an official plan

Your municipality's official plan:

- makes the public aware of the municipality's general land use planning policies
- makes sure that growth is coordinated and meets your community’s needs
- helps all members of your community understand how their land may be used now and in the future
- helps decide where roads, watermains, sewers, garbage dumps, parks and other services will be built
- provides a framework for establishing municipal zoning bylaws to set local regulations and standards, like the size of lots and height of buildings
- provides a way to evaluate and settle conflicting land uses while meeting local, regional and provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5)
- shows council's commitment to the future growth of your community

The official plan process

Pre-consultation, public meeting and input

When considering an official plan, your local council or planning board must ensure that:

- at least one public meeting is held, notice of which must be given at least 20 days ahead of time, usually through local newspapers or by mail
- the approval authority is consulted and given the opportunity to review all supporting information and material
- for the statutory official plan update, a special meeting of council that is open to the public, as well as an open house information session and at least one public meeting are held
- adequate information, including a copy of the proposed plan, is made available to the public in advance of the public meeting

Any person or public body may provide written comments and/or speak at the public meeting about the proposed plan.

Your municipal council must engage with Indigenous communities and may consult with agencies, boards, authorities or commissions before making a decision.

When council prepares an official plan, it shall be consistent with the Provincial Planning Statement (https://www.ontario.ca/pps) (PPS) issued under the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) and conform or not conflict with any applicable provincial plans. This means that a council must ensure that policies in the PPS are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) related to land use planning and development. It is expected that council will implement the PPS in the context of other planning objectives and local circumstances. (See section 1 (https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act) , The *Planning Act*).

Official plan update

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

prepares a new comprehensive official plan or every five years after an update done through an amendment to the plan.

When updating an official plan, council must hold a special public meeting to discuss the changes or amendments that may be needed.

An official plan may come into effect in one of two ways:

1. Plans exempt from approval - under this process, the Minister of Municipal Affairs and Housing may exempt the official plan and all or some of its proposed amendments from the requirement for provincial approval. The minister may also authorize upper-tier approval authorities (such as a regional municipality or county) to exempt any or all lower-tier proposed official plans and amendments from the requirement for approval.

Under the exempt system, after council adopts the plan and/or amendment and gives a notice of adoption, a qualifying person or public body that made a verbal presentation at the public meeting or made a written submission to council before a decision was made, may appeal the council's decision to adopt to the Ontario Land Tribunal (https://olt.gov.on.ca) (OLT) within the 20-day appeal period. If there is no appeal, the official plan or amendment comes into effect on the day after the appeal period expires.

The OLT is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters (See section 6 (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal) , the Ontario Land Tribunal).

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

Upper-tier municipalities are generally the approval authority for lower-tier official plans and amendments. In all other cases, including where the upper-tier municipality does not have planning responsibilities, the Minister of Municipal Affairs and Housing is the approval authority. To find out about the approval authority in your area, contact your municipal or planning board office.

When a municipality submits a proposed official plan to the approval authority to review and make a decision, it is required to provide all the information prescribed by minister's regulation as well as other additional information which the approval authority may require. The more information provided, the less likely delays will occur in the review.

If the municipality does not provide all the information prescribed by minister's regulation, the approval authority may refuse to accept or to further consider the official plan. A 120-day timeframe for making a decision does not begin until all the information is received by the approval authority. The approval process may take longer than this timeframe but if no decision is made within 120 days, the matter could be appealed to the OLT. If the approval authority is the Minister of Municipal Affairs and Housing, the 120-day timeframe may be suspended to allow for additional time to review the official plan.

The approval authority makes sure that comments, concerns or suggestions from anyone interested in the plan are considered. This means that there may have to be negotiations with other parties, ministries, local authorities and with members of municipal council and staff.

The approval authority may approve, approve as modified, or refuse to approve all or parts of the official plan and give a notice of decision. Generally, a qualifying person or public body that made a verbal presentation at the public meeting or made a written submission to council before its decision to adopt the official plan, may appeal the approval authority's decision to the OLT within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires. However, there is no appeal of a provincial decision regarding a new official plan or an official plan update where the minister is the approval authority.

Next steps

Once an official plan is in effect, it guides all of the municipality's planning decisions. It means that:

- the local council and municipal officials must follow the plan
- all new services, sewer or watermains, for example, must conform with the plan
- all bylaws, including zoning and related bylaws, must conform with the official plan

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

An official plan is not set forever. The plan can be changed or amended as the community's needs change.

Get involved

You can take part in planning the future of your community by:

- finding out as much as you can about the proposed official plan
- thinking about how the plan might affect you, your property and your community
- going to any information sessions, including open houses and public meetings that are held to discuss the plan
- giving your opinions at the public meetings or making written submissions to council
- working with council and the municipal staff to resolve your concerns

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

Appeal rights

Appeals by a third party (someone other than the applicant) are scoped for official plan matters so they can only be made by key participants except where appeals are limited as noted in Limitations on appeals. Key participants include:

- the province
- public bodies, including public hospitals and First Nations
- landowners, if the matter applies to their land
- specified persons, including utility providers and certain bodies that may have land use compatibility issues, such as major airports, aggregate operations, and certain industries within areas of employment

Appeals to the OLT can be made in four different ways:

1. an applicant requesting an official plan amendment, the minister and the appropriate approval authority may appeal to the OLT if the council refuses or fails to act on a request to amend within 120 days of the receipt of a complete application by the municipality (see subsection 22 (7) of the *Planning Act*). The notice of appeal should be filed with the municipality
2. an applicant requesting an official plan amendment, the municipality that adopted the amendment and the minister (if not the approval authority) may appeal to the

OLT if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 120 days of the receipt of the prescribed information by the approval authority (see subsection 17 (40) of the *Planning Act*). The notice of appeal should be filed with the approval authority

3. plans and amendments exempt from approval: An applicant requesting an official plan amendment, the minister, the appropriate approval authority and any qualifying person or public body who made verbal presentations at a public meeting or written submissions prior to adoption may appeal the council's adoption within 20 days from the date the notice of adoption is given (see subsection 17 (24) of the *Planning Act*). The notice of appeal must be accompanied by written reasons and should be filed with the municipality

4. plans and amendments NOT exempt from approval: An applicant requesting an official plan amendment, the minister and any qualifying person or public body who made verbal presentations at a public meeting or written submissions prior to adoption may appeal the approval authority's decision within 20 days from the date the notice of decision is given (see subsection 17 (36) of the *Planning Act*). The notice of appeal must be accompanied by written reasons and should be filed with the approval authority

In your notice of appeal, you must specify the part(s) of the official plan or amendment you are appealing and include the fee required by the OLT.

If you intend to argue that the bylaw is inconsistent with a policy statement issued under the *Planning Act*, 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 bylaw is inconsistent with, fails to conform with or conflicts with the other document.

Limitations on appeals

Generally, appeals are not permitted in the following circumstances:

- refusals or failure to make a decision within the timeframe set out in the *Planning Act* (also known as a “non-decision”) on proposed amendments that would:
    - alter the boundary of an "area of settlement" to include any land in the Greenbelt Area
    - establish a new "area of settlement"

    - remove land from an "area of employment" if appropriate official plan policies are in place
    - authorize a renewable energy undertaking, such as wind, solar and hydroelectric projects

- adopted or approved plans and plan amendments that would implement specified provincial priorities, including those that:
    - permit the use of inclusionary zoning (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-10)
    - permit additional residential units, as well as proposed amendments that would remove or replace policies that permit additional residential units
    - designate lands, including uses, and put in place appropriate densities (number of people, jobs and building floor area per hectare) for a protected major transit station area (lands around stations/stops for rail, subway and certain other forms of transit that are protected by official plan policies)
    - implement certain matters with previous provincial approval (for example, approved source water protection boundaries, Greenbelt (https://www.ontario.ca/document/greenbelt-plan) boundaries)
    - implement the required official plan policies to establish a community planning permit system (CPPS) (https://www.ontario.ca/page/community-planning-permit-system) that has been required by a minister's order
- minister's decisions on new official plans and official plan updates under section 26 of the *Planning Act* (https://www.ontario.ca/laws/statute/90p13#BK45)
- non-decisions on adopted lower-tier official plans and updates that the upper-tier municipality has stated do not conform with the upper-tier official plan

In the case of a new official plan, there is no ability to appeal the entire plan, although any part of the plan can be appealed with the above noted exceptions.

The powers of the Ontario Land Tribunal

In cases of appeal, if a settlement has not already been reached, the OLT may hold a case management conference to discuss opportunities for settlement, such as mediation, and may hold a hearing. If a hearing is required, you may be given the chance to present your case.

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

The tribunal must have regard to the local decision and make its decision based on the facts presented at a hearing. The hearing should generally be limited to the information and material that were before the council whose decision is the subject of the appeal. New information and material can be introduced at a hearing. However, the OLT may, on its own initiative or on the motion of the municipality or any party, give the approval authority 60 days to reconsider its decision and make a written submission if the OLT determines the new information could have materially affected the council authority's decision.

The tribunal has authority to make a final decision on the matter. It will seek to make the "best" planning decision while making sure its decision is consistent with the Provincial Planning Statement and conforms with any applicable provincial plans and municipal official plans. In making its decision, the OLT can allow or dismiss your appeal, and approve, approve as modified, or refuse to approve all or part of the plan or amendment.

If an official plan or amendment is not exempt from approval, and the approval authority is the Minister of Municipal Affairs and Housing, the minister may refer all or part of an official plan or amendment to the tribunal for a recommendation. In the same circumstances, the minister may also refer the entire official plan or amendment to the OLT for a decision.

Declaration of provincial interest

At least 30 days before a hearing is held, the Minister of Municipal Affairs and Housing can declare that an official plan matter before the OLT may adversely affect a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) . When such action occurs, after the hearing is held and the OLT renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the OLT's decision on the matter.

Power to dismiss

The OLT can dismiss an appeal in certain circumstances including if the appeal constitutes an abuse of process, such as repeatedly submitting an application that has recently been dealt with by the municipality and/or the tribunal. The OLT may also dismiss an appeal if the application before it is substantially different from that which was before council at the time of council's decision.

Official plan amendments

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

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

Generally, a qualifying person or public body that makes verbal presentations at a public meeting or makes written submissions prior to the adoption of an official plan amendment, may appeal a council’s decision. However, there are limitations on appeal rights as noted above in the Appeal rights and Limitations on appeals sections. To determine what appeal rights are available to you in respect of a particular official plan amendment, contact your municipality's planning staff or secretary-treasurer of your planning board.

All amendments are proposed, discussed and processed in generally the same way as the original plan. As discussed earlier, when a council considers an official plan/amendment, it needs to ensure the official plan/amendment is consistent with the PPS issued under the *Planning Act* and conform/not conflict with any applicable provincial plan.

Request an official plan amendment

If you want to use your property or develop it in a way that conflicts with the municipal official plan, an amendment to the plan would be needed. You should contact staff in your municipality to start the process. They can let you know if the change is possible, what problems you might encounter, and how you should apply.

When you apply to amend an official plan, you are required to submit information which is prescribed by minister's regulation (a regulation under the Planning Act made under the minister’s sole authority) as well as other additional information if set out in the municipal official plan. The more information provided, the less likely delays will occur in the review. While pre-consultation is voluntary, it can help to consult with your municipality early in the process to understand more about what studies and information might be needed to support your application.

Council must review your application within 30 days of its receipt to determine if you have filed a complete application. Council may refuse to accept an application that fails to provide sufficient information or material. You can make a motion to the OLT for a determination if the application is complete and if any additional information requested is reasonable at any time. The OLT’s decision is final. Contact the municipality if you need help assessing what information is required to make an application complete.

If council refuses or fails to act on your request for an official plan amendment within 120 days after the prescribed and municipally requested information and material is submitted, you may be able to appeal to the OLT by filing a notice of appeal with the municipality.

How the approval process may be different in Northern Ontario

The official plan process is much the same in Northern Ontario, but the responsibility for official plans and their administration outside the urban municipalities may be carried out by a planning board. (See section 7 (http://www.mah.gov.on.ca/Page1754.aspx) , Northern Ontario)

Summary of the official plan amendment process (plans exempt from approval)

1. council initiates the process for an official plan amendment
2. the proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted
3. a public meeting is held
4. council adopts the official plan amendment

5. council gives notice of adoption. The official plan amendment comes into effect if there is no appeal within the 20-day appeal period
6. possible appeal to the Ontario Land Tribunal (OLT): With some restrictions, any qualifying person or public body may appeal council's decision to adopt the official plan amendment to the OLT
7. the OLT may dismiss the appeal without holding a hearing or will hold a hearing and make a final decision except when a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) is declared

Summary of the official plan amendment process (plans not exempt from approval)

1. council initiates the process for an official plan amendment
2. the proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted
3. if the amendment is an official plan update under section 26 of the *Planning Act,* such as a statutory official plan review, an open house must be held prior to council holding a public meeting. This step is not required for all other official plan amendments
4. a public meeting is held
5. council adopts the official plan amendment
6. council gives notice of adoption and sends the official plan amendment to the approval authority
7. the approval authority may consult (as needed), makes a decision on the official plan amendment, and gives notice of its decision. The official plan amendment comes into effect if there are no appeals within the 20-day appeal period
8. possible appeal to the Ontario Land Tribunal (OLT): with some restrictions, any qualifying person or public body may appeal the approval authority's decision to the OLT. However, where the minister is the approval authority (for matters under section 26 of the *Planning Act* (https://www.ontario.ca/laws/statute/90p13#BK45)), there is no ability to appeal the minister's decision on an official plan update

9. the OLT may dismiss the appeal without holding a hearing or will hold a hearing and make a final decision except when a provincial interest is declared

Zoning bylaws

About zoning bylaws

A zoning bylaw controls the use of land in your community. It states exactly:

- how land may be used
- where buildings and other structures can be located
- the types of buildings that are permitted and how they may be used
- the lot sizes and dimensions, parking requirements, building heights and densities (building floor area per hectare), and setbacks from the street

An official plan sets out your municipality's general policies for future land use. Zoning bylaws put the plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. Construction or new development that doesn't comply with a zoning bylaw is not allowed, and the municipality will refuse to issue a building permit.

Many municipalities have a comprehensive zoning bylaw that divides the municipality into different land use zones, with detailed maps. The bylaw specifies the permitted uses (for example, commercial or residential) and the required standards (for example, building size and location) in each zone.

Some rural municipalities may have a free-standing zoning bylaw that covers only a specific property that an owner proposes to develop.

Why you need a zoning bylaw

A zoning bylaw:

- implements the objectives and policies of a municipality's official plan (See section 2, Official plans (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans))
- provides a legal and precise way of managing land use and future development

- in addition to the official plan, protects you from conflicting and possibly dangerous land uses in your community

Zoning bylaw amendments

If you want to use or develop your property in a way that is not allowed by the zoning bylaw, you may apply for a zoning change, also known as a zoning bylaw amendment or a rezoning. Council can consider a change only if the new use is allowed by the official plan.

There are also certain instances where you may not need a rezoning application. For instance, the *Planning Act* overrides local zoning bylaws to permit up to 3 residential units in most existing urban residential areas.

Additional Residential Units (ARU) framework

The ARU framework generally allows "as-of-right" (without the need to apply for a rezoning to permit the "use") the use of up to 3 units in the primary building (the main house), or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building (such as a garage). This as-of-right permission supersedes local zoning and automatically applies to identified lands provincewide.

The ARU framework also eliminates other barriers in local zoning bylaws by removing or updating zoning requirements relevant to angular planes, maximum lot coverage, floor space index (FSI), minimum lot size and minimum building distance separation which could potentially reduce or eliminate the need for a zoning bylaw amendment or minor variance. However, a zoning bylaw amendment or a minor variance approval may still be required for other zoning requirements (for example, setbacks and height).

How to apply for a rezoning

Before you set out to apply for a rezoning, you should talk to your municipal planning staff for advice and information.

To apply for a rezoning, you must complete an application form which requires information identified by the minister and the municipality. Most municipalities require that you pay an application fee.

If local council refuses your zoning application, or if it does not make a decision within 90 days of the receipt of the complete application and fee, you may be able to appeal to the

Ontario Land Tribunal (http://elto.gov.on.ca/tribunals/lpat/about-lpat/) (OLT). Note that council has 120, not 90, days to make a decision on a zoning application if it was submitted to the municipality on the same day as a request for a related official plan amendment.

The OLT is an independent tribunal that is responsible for hearing appeals and that decides on a variety of contentious municipal matters. (See section 7, the Ontario Land Tribunal (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal))

How a zoning bylaw is passed

Before council passes a zoning bylaw, it must first give as much information as possible to the public. There must also be at least one public meeting before a bylaw is passed and everyone who attends the meeting must have a chance to speak. Notice of this meeting is given at least 20 days in advance, through local newspapers, on a municipal website if there is no local print newspaper available or by mail and posted notice.

An open house information session is also required for a bylaw that is being brought into conformity with an official plan which has been updated as part of an official plan update and for a community planning permit bylaw. A municipality is required to update its zoning bylaws no less than three years after the approval of an official plan update.

The *Planning Act* encourages early involvement and the use of mediation techniques to resolve any conflicts. Share your views early in the planning process by making a verbal presentation at the public meeting or a written submission to council before it passes the bylaw.

Your local council may also consult with interested agencies before it makes a decision. After hearing everyone's concerns, council may decide to pass, change or reject the proposed bylaw. If it decides to make some changes, it may also decide to hold another public meeting.

Once council has passed the bylaw, it must give notice of the bylaw's passing within 15 days. Generally, any qualifying person or public body that meets certain requirements may, not later than 20 days after the notice of the passing of the bylaw is given, appeal to the OLT by filing a notice of appeal with the municipal clerk, accompanied by the fee required by the OLT.

How zoning bylaws are evaluated

When it considers a zoning bylaw, the council evaluates it against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the risk of flooding

When council considers a zoning bylaw, its decision shall be consistent with the Provincial Planning Statement (https://www.ontario.ca/pps) (PPS) issued under the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) . This means that a council must ensure that the policies of the PPS are applied as an essential part of the land use planning decision-making process. The PPS contains policy directions on matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) related to land use planning and development. It is expected that the council will implement the PPS in the context of other planning objectives and local circumstances. (See section 1, The *Planning Act* (https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act))

Zoning bylaws must also conform with any applicable provincial plan. Provincial plans provide direction for specific geographic areas.

Get involved

If you have concerns about a proposed zoning bylaw or amendment that may affect you, you should:

- find out as much as possible about the proposed bylaw and how it affects your property
- go to any information sessions, including open houses and public meetings, to give your opinions
- discuss the proposal with municipal staff and council members
- make a written submission to council

If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to consider your feedback and may make changes before the bylaw is passed.

Appeal rights

Appeals by third parties (someone other than the applicant) are scoped for zoning bylaw matters so they can only be made by key participants except where appeals are limited as noted in Limitations on appeals. Key participants include:

- the province
- public bodies, including public hospitals and First Nations
- landowners, if the matter applies to their land, and
- specified persons, including utility providers and certain bodies that may have land use compatibility issues, such as major airports, aggregate operations, and certain industries within areas of employment

Appeals to the OLT can be made in two different ways:

1. the applicant, the minister and any qualifying person or public body who made verbal presentations at a public meeting or verbal presentations before the bylaw was passed, may appeal the council's passage of a zoning bylaw to the OLT within 20 days from the date the notice of the passage of the bylaw is given (see subsection 34 (19) of the *Planning Act*). The notice of appeal should be filed with the municipal clerk and must be accompanied by written reasons and the fee required by the OLT
2. the applicant and the minister may appeal to the OLT if the council refuses or fails to act on an application to rezone the lands within the timeframe set out in the *Planning Act* (see subsection 34 (11) of the *Planning Act*). The notice of appeal should be filed with the municipal clerk, accompanied by the fee required by the OLT

If you intend to argue that an official plan or zoning bylaw is inconsistent with a policy statement issued under the *Planning Act*, 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 official plan or zoning bylaw is inconsistent with, fails to conform with or conflicts with the policy statement, provincial plan, or the official plan.

Limitations on appeals

Generally, appeals are not permitted in the following circumstances:

- refusals or failure to make a decision within the timeframe set out in the *Planning Act* (also known as "non-decision") on proposed amendments that would:

    - implement an alteration to the boundary of an "area of settlement (https://www.ontario.ca/laws/statute/90p13#BK0) " to include any land in the Greenbelt Area.
    - implement the establishment of a new "area of settlement"
    - remove land from "an area of employment", if appropriate official plan policies are in place
    - permit a renewable energy undertaking such as wind, solar and hydroelectric projects

- bylaws related to additional residential units
- bylaws passed to implement inclusionary zoning (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-10) (where new housing developments of 10 units or more need to include affordable housing units), as well as proposed amendments that would change or repeal bylaws implementing inclusionary zoning
- bylaws passed to put in place appropriate densities (number of people, jobs and building floor area per hectare) that make sense for a protected major transit station area (lands around stations/stops for rail, subway and certain other forms of transit that are protected by official plan policies) if appropriate official plan policies are in place
- community planning permit bylaws passed to implement a community planning permit system (CPPS) (https://www.ontario.ca/page/community-planning-permit-system) that has been required by a minister's order

When an appeal is made

In cases of appeal, if a settlement has not already been reached, the OLT may hold a case management conference to discuss opportunities for settlement, such as mediation, and may hold a hearing. If a hearing is required, you may be given the chance to present your case.

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

The tribunal must have regard to the local decision and make its decision based on the facts presented at a hearing. The hearing should generally be limited to the information

and material that were before the municipality whose decision is appealed. New information and material can be introduced at a hearing. However, the OLT may, on its own initiative or on the motion of any party, give the municipality 60 days to reconsider its decision and make a written submission if the new information could have materially affected the municipality's decision.

The tribunal has authority to make a final decision on the matter and will seek to make the "best" planning decision while making sure its decisions are consistent with the Provincial Planning Statement and conform with any applicable provincial plans and municipal official plans. In making its decision, the OLT can allow or dismiss your appeal and repeal or amend the bylaw.

Declaration of provincial interest

At least 30 days before a hearing is held, the Minister of Municipal Affairs and Housing can declare that a zoning matter before the OLT may adversely affect a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) . If this happens, after the hearing is held and the tribunal renders a decision as usual, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the tribunal's decision on the matter.

Power to dismiss

The OLT has the power to dismiss an appeal without holding a hearing in certain circumstances, such as if the appeal constitutes an abuse of process like repeating the submission of an application that has recently been dealt with by the municipality. An appeal may also be dismissed by the OLT if the application before it is substantially different from that which was before council at the time of council's decision.

Summary of the zoning bylaw process

1. council initiates the process for the zoning bylaw
2. the bylaw is prepared. Following this, notice and information is provided to the public. Other agencies may also be consulted
3. a public meeting is held
4. council makes a decision to pass the bylaw
5. council gives notice of its decision

6. possible appeal to the OLT: With some restrictions, key participants may appeal the decision to the OLT
7. if there are no appeals, the zoning bylaw is effective on the date council passes the bylaw
8. the OLT may dismiss the appeal without holding a hearing or will hold a hearing and make a final decision except when a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) is declared

Minor variances

If your proposed change doesn't conform exactly to the zoning bylaw, but follows its general intent, you can apply for a minor variance. For example, you might want to locate something on your property, but you are unable to meet the minimum setback requirements because of the shape of your lot. Your municipality may have a bylaw that sets out local criteria to further clarify what constitutes a minor variance in your community.

To obtain a minor variance, you will have to apply to your local committee of adjustment appointed by council to deal with minor problems in meeting bylaw standards. Your application should explain how your proposed variance is minor in nature and why it is needed.

The committee of adjustment will hold a hearing and decide on your application. Any identified person or public body that has an interest in the matter may appeal to the OLT within 20 days or, if one is established by the municipality, a local appeal body. The appeal should be filed with the secretary-treasurer of the committee. The secretary-treasurer will tell you who has the authority to hear such appeals in your area. You should set out the reasons supporting the objection and pay the fee required by the OLT/local appeal body.

The OLT or local appeal body has the power to dismiss your appeal without holding a hearing. (See section 7, the Ontario Land Tribunal (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal))

The OLT or local appeal body can allow or dismiss your appeal, or amend the application. A minor variance does not change a zoning bylaw. It simply excuses you from a specific requirement of the bylaw and allows you to obtain a building permit.

Other types of bylaws

There are several types of special bylaws that can be used to control land use:

Community planning permit bylaws

The community planning permit system (CPPS) (https://www.ontario.ca/page/community-planning-permit-system) is a discretionary land use planning tool that combines zoning, site plan and minor variance processes into one application and approval process. The CPPS has three components:

1. a policy basis in the official plan
2. an implementing community planning permit bylaw
3. a community planning permit that can be issued as a planning approval

Community planning permit bylaws must identify and define a list of permitted uses. The bylaws can also set out discretionary uses that may be permitted if specified criteria outlined in the bylaw are met.

Any qualifying person or public body can appeal a community planning permit bylaw to the OLT when the bylaw is being established (unless the CPPS has been required to be established by minister's order), provided they have participated during its development. You may not be able to apply for a change to a community planning permit bylaw within five years of it being passed. However, you would be allowed to apply for a change to the community planning permit bylaw if council passes a resolution to allow the application.

Once the CPPS is established and in effect, only the applicant has the right to appeal a decision on a community planning permit application to the OLT.

Holding bylaws

Holding bylaws allow future uses for land or buildings but delay development until, for example, local services, such as roads, are in place. Your municipality cannot use these bylaws unless it has holding policies in its official plan.

Interim control bylaws

Interim control bylaws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year.

An interim control bylaw may be appealed when it is first passed or when an extension is made to a bylaw by anyone who received notice.

The *Planning Act* provides that an interim control bylaw remains in effect past the two-year period if the new zoning bylaw which replaces the interim control bylaw is appealed to the OLT.

Temporary use bylaws

Temporary use bylaws zone land or buildings for specific uses for a maximum period of three years at a time, with more extensions possible. When the temporary use of a garden suite (such as a one-unit detached residential structure containing bathroom and kitchen facilities that is additional to an existing structure and that is designed to be portable) is authorized, the temporary bylaw may allow it for a period not exceeding 20 years, with the possibility of extensions of not more than to 3 years at a time.

Community benefits charges

Community benefits charges (https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands#section-2) (CBCs) allow single and lower-tier municipalities to collect funds from certain new developments or redevelopments to help pay for the capital costs of community services needed because of the community's growth. These services could include libraries, parkland development (like playgrounds), recreation centres, child care, affordable housing and shelters. CBCs replaced the former section 37 density bonusing provisions in the *Planning Act*, subject to transition rules.

In order to implement a CBC, a municipality must develop a CBC strategy, publicly consult on this strategy, and then pass a CBC by-law. If a municipality passes a CBC by-law, the charge will only apply to buildings that are five or more storeys and have 10 or more residential units. The maximum charge payable in any instance cannot exceed four percent of the value of land being developed.

The tool, which came into effect September 18, 2020, can be used with development charges (https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands#section-1) and parkland dedication (https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands#section-3) to enable growth to pay for growth, so that municipalities can provide important local services that growing communities need. CBCs increase transparency and accountability by making the costs of building housing in Ontario more predictable.

Inclusionary zoning

Inclusionary zoning is a tool that municipalities may use to help address their community's affordable housing needs by requiring that new housing developments of 10 units or more include affordable housing units. Inclusionary zoning can only be used in protected major transit station areas (lands around stations/stops for rail, subway and certain other forms of transit that are protected by official plan policies), areas where the community planning permit system (https://www.ontario.ca/page/community-planning-permit-system) is required by the minister, or in municipalities prescribed by the minister. When official plan policies related to inclusionary zoning and zoning bylaws are in place, municipalities can require affordable housing units to be included in residential developments by establishing a set aside rate for IZ units. The set aside rate represents the proportion (%) of total units that must be maintained as affordable (and can vary by rental or ownership) These units would need to be maintained as affordable over a period of time specified by the municipality – this is known as the affordability period.

As of May 12, 2025, in a protected major transit station area, municipalities may only apply inclusionary zoning up to a 5% (either of residential floor area or number of units) set-aside rate limit and an affordability period up to 25 years.

Site plan control bylaws

Site plan control (https://www.ontario.ca/page/site-plan-control-guide) bylaws are not zoning bylaws. They are used to establish areas where site plan control will be applied. These areas must be described in the official plan.

Site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards to ensure health and safety objectives
- there is safe and easy access for pedestrians and vehicles
- the sustainable design features of the site are satisfactory
- there is adequate landscaping and drainage
- nearby properties are protected from incompatible development

As a condition of site plan approval, municipalities may require the owner provide land for road widening and public transit rights-of-way. Before municipalities can exercise this power, the road widening and public transit rights-of-way must be shown or described in

the official plan (with the exception of upper-tier municipalities without planning responsibilities, who do not have this power).

When approving a site plan application, the municipality may also establish a time frame within which a building permit must be issued or the approval lapses.

Minister's zoning orders

The *Planning Act* gives the Minister of Municipal Affairs and Housing the authority to permit, prohibit, and regulate the use of any land in the province. Minister's Zoning Orders (MZO) can be used to protect a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) , to help overcome potential barriers, or delays to critical projects. Zoning orders are similar to local municipal zoning bylaws. If there is a conflict between a MZO and a municipal bylaw, the MZO prevails. The municipal bylaw remains in effect in all other respects.

Under the *Planning Act*, zoning orders do not have to be consistent with the Provincial Planning Statement (https://www.ontario.ca/page/provincial-planning-statement-2024) , except in the Greenbelt Area. The *Planning Act* does not provide for a right to appeal the Minister's decision to make a zoning order to the Ontario Land Tribunal.

The Minister may use enhanced authorities when making a zoning order, except in the Greenbelt Area (https://www.ontario.ca/page/ontarios-greenbelt) . This includes authority to:

- remove municipal use of site plan control
- require agreements between municipalities and landowners concerning site plan matters
- require/remove inclusionary zoning (affordable housing requirements)

The zoning order framework (https://www.ontario.ca/page/zoning-order-framework) , released in April 2024, establishes the Minister's expectations for stakeholders, including proponents, municipalities, and partner ministries when requesting a zoning order to the Minister of Municipal Affairs and Housing.

This framework is intended to provide a consistent set of expectations for stakeholders to understand what is expected to be included with a request for a zoning order and how the Minister may assess a request. Zoning order requests are made or refused at the discretion of the Minister.

The Minister may independently, or upon the application of any person or public body, amend or revoke a zoning order. The decision to proceed with a request to amend or revoke a MZO is at the discretion of the Minister of Municipal Affairs and Housing.

Other approvals that may be required

In addition to the planning approvals and building permits that are needed for a building project, there are other permits and approvals that may be required in specific circumstances. For example, a septic tank permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources before you can do any construction in the water (for example, a dock or boathouse with a solid foundation). If your property is designated under the *Ontario Heritage Act*, located in a heritage conservation district or subject to a heritage conservation easement (a legal agreement to protect heritage elements that applies to anyone who owns the land) you may require a separate heritage approval from the municipality or the Ontario Heritage Trust (https://www.heritagetrust.on.ca/) .

Subdivisions

About subdivisions

When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions of the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) come into play.

If your proposal involves creating only a lot or two, you may seek approval for a "land severance". For more details, see section 5 (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) , Land severances.

The other means of subdividing land is to obtain approval of a plan of subdivision from the approval authority.

Subdivision approval ensures that:

- the land is suitable for its proposed new use
- the proposal conforms to the official plan and zoning in your community, as well as to provincial legislation and policies

- you, your neighbours and your community are protected from developments which are inappropriate or may put an undue strain on community facilities, services or finances

Problems can result when large tracts of land are split into building lots without the benefit of a formal planning approval process. People have found out, usually too late, that the lots they have purchased are not on a registered plan. It may be that the water supply is unusable or the access road is not plowed or maintained. Other purchasers have found out that the ownership or title to their property is doubtful, making it difficult to sell.

Approval authority for plans of subdivision

The councils of some upper-tier, lower-tier and single-tier municipalities are the approval authorities for draft plans of subdivision. Upper-tier municipalities may further delegate the authority to approve plans of subdivision to their lower-tier municipalities. Municipalities may also delegate the authority to committees of council or appointed officers.

In all other areas, the Minister of Municipal Affairs and Housing is the approval authority but may delegate the authority to approve plans of subdivision to municipalities or planning boards in Northern Ontario.

To determine who approves plans of subdivision in your area, contact your municipal or planning board office.

A registered plan of subdivision

A registered plan of subdivision is a legal document that shows:

- the exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built
- the location and width of streets
- the sites of any schools, public facilities, or parks

The plan does not show specific building locations; the rules for locating buildings are set out in the zoning bylaw and can be shown on plans as part of site plan approval (https://www.ontario.ca/page/site-plan-control-guide) . (See section 3

(https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) , Zoning bylaws)

The plan of subdivision must be:

- surveyed by an Ontario land surveyor
- in conformity with the official plan and provincial policies
- approved by the proper planning authority
- registered with a Land Registry Office

A registered plan of subdivision creates new, separate parcels of land and can be legally used for the sale of lots. It should not be confused with "compiled plans" or "reference plans" which are used simply to describe parcels of land.

The process for subdividing

If you are thinking about subdividing your property, discuss your proposal first with municipal, planning board or Municipal Services Office (https://find-your-municipal-services-office) , staff. They can tell you what information, including any special studies, you will need to provide and whether the official plan and/or zoning bylaw provide for your subdivision to be allowed or if further review as to its suitability is necessary.

Subdivision applications are made to the approval authority. This could be the Minister of Municipal Affairs and Housing, a municipality, or a planning board. You may be charged a fee for processing the application. To find out what the processing fee is in your area, contact the appropriate approval authority. Ministry, municipal or planning board staff will tell you about the approval authority in your area.

As an applicant, you are required to fill out a subdivision application form provided by the approval authority.

A typical application form contains both the information identified by minister’s regulation as well as other information required by the municipality. The more information provided, the less likely delays will occur in the review. While pre-consultation is voluntary, it can help to consult with the approval authority early in the process to understand more about what studies and information might be needed to support your application.

The approval authority must review your application within 30 days to determine if it is complete. You can make a motion to the Ontario Land Tribunal (http://olt.gov.on.ca) (OLT) for a determination on if the application is complete and if any additional information required is reasonable at any time. The OLT's decision is final.

If you do not provide all the information identified by minister's regulation and the official plan, the approval authority may refuse to accept or consider your application. The 120-day time frame for making a decision also does not start. When all the identified and, if applicable, additional information is received, then the 120-day time frame begins. You are encouraged to contact the appropriate approval authority if you need help in assessing what information is required.

The approval authority, or in some cases the municipality or planning board in which the proposal is located, must give notice of the application.

The approval authority may consult with agencies, boards, authorities or commissions before making a decision.

How applications for subdivision are evaluated

In considering a plan of subdivision, the approval authority evaluates the merits of the proposal against criteria such as:

- conformity with the official plan and compatibility with neighbouring uses of land
- suitability any proposed affordable housing
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal, school sites
- the need to ensure protection from potential flooding or other hazards

In deciding on the application, the approval authority shall be consistent with the Provincial Planning Statement (https://www.ontario.ca/pps) (PPS) and conform/not conflict with any applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) related to land use planning and development. It is expected that the approval authority will implement the PPS in the context of other planning objectives and local circumstances. (See section 1 (https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act) , the *Planning Act*).

Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (for example, Niagara Escarpment Plan, Greenbelt Plan, and Lake Simcoe Protection Plan).

Draft approval

Having considered your application, the approval authority may either "draft approve" or refuse your subdivision proposal.

The approval authority must provide a written notice of its decision within 15 days of its decision to the applicant and each person or public body that requested to be notified. When a notice of decision is given, a 20-day appeal period follows.

If your application is draft approved, you will be advised of the conditions that need to be met to obtain final approval and registration. Conditions of draft approval may include: road widenings, the naming of streets, parkland requirements, rezoning of the area to reflect the new uses in the subdivision, and other requirements. The draft approval must also establish a time frame within which the conditions must be satisfied or the draft approval lapses.

In most cases, the developer may be required to sign a subdivision agreement with the municipality or planning board to ensure that certain services such as sidewalks and roads are provided after the plan has been registered.

Draft approval amounts to a commitment to go ahead with the subdivision, if all the conditions of draft approval have been met prior to the lapsing date. Lots may be offered for sale after draft approval but can be sold only after the plan of subdivision has been registered.

Get involved

If you are concerned about a draft plan of subdivision that may affect you:

- find out as much as possible about the draft plan
- discuss your concerns with the approval authority
- write to the approval authority

If you have any concerns, you should make sure that you let the approval authority know about them early in the process. The approval authority will then have time to consider your concerns and determine whether changes are warranted before the draft plan of subdivision is approved.

You should also make a written request if you want to be notified of any change to the conditions attached to a draft approval.

Appeal rights

The OLT is an independent tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See section 7 (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal) , the Ontario Land Tribunal)

Appeals to the OLT can be made in four different ways:

1. the applicant may appeal if no decision is made within 120 days from the date of receipt by the approval authority of the application containing the prescribed information and, if applicable, any additional information required by the approval authority under its official plan. (see subsection 51(34) of the *Planning Act*)
2. the applicant, the minister, the municipality or planning board in which the proposed subdivision is located and a public body or an identified person that meets certain requirements, may appeal the authority's decision to draft approve the plan of subdivision, any of the related conditions or the lapsing provision within 20 days of the notice of decision. If the land is not located in a municipality or planning board area, then generally any person or public body may appeal. (see subsection 51(39) of the *Planning Act*)
3. the applicant, the minister, the municipality or planning board in which the proposed subdivision is located, and a public body or an identified person that meets certain requirements, may appeal conditions of draft approval at any time before final approval is granted. If the land is not located in a municipality or planning board area, then generally any public body may appeal. (see subsection 51(43) of the *Planning Act*)

4. the applicant, the minister, the municipality or planning board in which the proposed subdivision is located and a public body or an identified person that meets certain requirements, may appeal any changed conditions of draft approval imposed by the approval authority. If the land is not located in a municipality or planning board area, then generally any person or public body may appeal. (see subsection 51(48) of the *Planning Act*)

Appeals must be filed with the approval authority, accompanied by reasons for certain appeals, and the fee required by the OLT. Contact the approval authority for more information.

The powers of the Ontario Land Tribunal

When an appeal is made, the OLT may hold a hearing where the key participant who made the appeal and other parties, such as the applicant, municipality or planning board, will have the chance to present their case. The OLT can make any decision that the approval authority could have made on the application.

The OLT also has the power to dismiss an appeal without holding a hearing. (See section 6 (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal) , Ontario Land Tribunal)

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

The OLT must have regard to the local decision and make its decision based on the facts presented. The hearing should generally be limited to the information and material that were before the approval authority whose decision is appealed. New information and material can be introduced at a hearing. However, the OLT may, on its own initiative or on the motion of any party, give the approval authority 60 days to reconsider its decision and make a written submission if the new information could have materially affected the approval authority's decision.

The OLT has the power to dismiss an appeal without holding a hearing in certain circumstances, such as if the appeal constitutes an abuse of process like repeating the submission of an application that has recently been dealt with by the municipality. An appeal may also be dismissed by the OLT if the application before it is substantially different from that which was before council at the time of council's decision.

Registering a subdivision

When all conditions of the draft approval have been met, final approval is given and the plan of subdivision may be registered with a Land Registry Office. The developer may then go ahead with the sale of lots in the subdivision.

Lapsing

Considerable time may pass between draft approval and actual registration of the plan. However, the approval authority is required to set a time period of no less than three years after which the draft approval will lapse. It also has the power to give a further extension of draft approval. When determining whether a draft approval should be extended, provincial policies and plans must be considered by the approval authority (minister, municipality or planning board) in the review process.

On June 6, 2024, an automatic lapsing period of three years was established in the *Planning Act* for all draft plan of subdivision approvals that were given on or before March 27, 1995. Unlike lapsing periods imposed by approval authorities, the automatic lapsing period for pre-1995 draft subdivision approvals cannot be extended.

The approval authority also has a one-time discretionary authority to reinstate draft approved plans of subdivision that have lapsed within the past five years, if certain conditions have been met.

If a plan of subdivision has been registered for eight years or more and does not meet the growth management objectives of provincial policies or plans, the local municipality is encouraged to use their authority under the *Planning Act* to treat the plan as not registered and, where appropriate, change official plan designations and zoning bylaw permissions.

Required services

Although many services for new subdivisions are not provided until well after registration, most municipalities insist that they be in place before occupants move into their new home. The applicant may be required to sign a detailed subdivision agreement, which is sometimes registered on the title of the property and legally binds future owners to its conditions.

Condominiums as a form of subdivision

Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in a high-rise building, is held by an individual together with a share of the rest of the property, which is common to all owners.

Condominiums can involve a brand new development, or an existing rental building or complex which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial buildings.

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Similarly, plans of condominium must be approved, or in some cases, granted an exemption from approval by an approval authority.

Generally, applications for approval of condominium descriptions are not subject to the requirements of giving notice of application . However, vacant land condominiums are subject to these requirements. The 20-day appeal period following the notice of decision applies.

Land lease communities

A land lease community home refers to a dwelling that is a permanent structure (for example, not a mobile home) where the owner of the dwelling pays rent to the landowner (a land lease community operator) to lease the lands on which the home sits.

Land lease communities may be developed through either the plan of subdivision process or, in certain circumstances, through site plan control (https://www.ontario.ca/page/site-plan-control-guide) . When a proposed land lease community development is approved through a plan of subdivision, leases of any duration are permitted. Outside of the Greenbelt Area, site plan control may be used to develop land lease communities with leases of up to 49 years.

Municipalities are responsible through their zoning bylaw(s) for determining what, if any, locations in the community would be appropriate for life lease communities and to determine the type of approval that would be required (for example, plan of subdivision or site plan control). (See section 3 (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) , Zoning bylaws)

Summary of the subdivision process

1. before an application is submitted, the applicant is encouraged to consult with municipal staff or the approval authority (if the municipality is not the approval authority)
2. a complete application is submitted to the approval authority
3. the approval authority ensures notice of the application is given
4. the approval authority will make its decision to either approve the draft plan of subdivision with conditions and a lapsing time period or refuse it
5. notice of decision is sent to the applicant and those requesting notification
6. certain key participants may appeal to the Ontario Land Tribunal (OLT)
7. if an appeal is made, the OLT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision
8. if no appeal is made and the applicant fulfills all conditions of draft approval prior to the lapsing date, the plan of subdivision receives final approval and may be registered
9. once a plan of subdivision receives final approval and registration, lots can be sold and transferred

Land severances (consents)

About land severances

A land severance is the authorized separation of a piece of land to form a new lot or parcel of land. This occurs by way of an approval known as a consent. A consent is required if you want to sell, mortgage, charge or enter into any agreement for more than 21 years for a portion of your land. If the land is split already, by a public road or railway for example, consent is not needed.

Most municipalities with an approved official plan have specific policies and requirements for land severances. In addition to the division of land, rights-of-way, easements and any change to your existing property boundaries also require consents.

If several severances are intended for the same area, a plan of subdivision may be more appropriate. It is up to the consent-granting authority in your area to decide whether a consent is the best approach or if a plan of subdivision is necessary for the proper and

orderly development of your community. (See section 4 (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions) , Subdivisions)

Why you need approval to sever land

The indiscriminate division of land without planning review and approval can have a long-term, negative impact on your community. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or it might result in damage to the natural environment if lots are too small to accommodate adequate sewage disposal systems.

Approval is required to ensure that:

- land severances are considered within an established planning framework
- new parcels of land and new land uses do not conflict with the overall future planning goals and policies of your community
- consideration is given to the effects of the division of land on the site, on the neighbours and on the community as a whole

Once a severance has been approved, the new land parcels may be sold or resold without further approval. The only exceptions are if the consent-granting authority has specified that this should not occur without further approval (for example, for an approval of a severance that is adding land to a neighbouring lot (often called a lot addition)).

Land severance approvals

The approval of severances can rest with one of a number of different governing bodies. Depending on the area, an upper-tier, lower-tier or single-tier municipal council may grant consents. An upper-tier municipality may then delegate the function to a committee of council or an appointed officer. It may also delegate the authority to a lower-tier municipality, a land division committee or to a municipal planning authority. A single or lower-tier municipality may also delegate its approval functions to a committee of council, an appointed officer or to a committee of adjustment. In Northern Ontario, where planning approval has not been assigned or delegated to a municipality or planning board, the Minister of Municipal Affairs and Housing grants consents (See section 7 (https://www.ontario.ca/document/citizens-guide-land-use-planning/northern-ontario) , Northern Ontario).

To determine the consent-granting authority in your area, contact your municipal clerk, the secretary-treasurer of the planning board or your nearest Municipal Services Office (https://www.ontario.ca/page/find-your-municipal-services-office) .

The process for a severance application

Before you apply for a land severance, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to apply, what supporting material you must submit (for example, sketches, plans), if there are any special land severance requirements set out in the official plan and what other permits and approvals (for example, a septic system permit) may be required.

If a consent-granting authority confirms that an application is incomplete, an applicant who disagrees may make a motion to the Ontario Land Tribunal (https://olt.gov.on.ca/about-olt/) (OLT) or, if established by the municipality, a local appeal body, to decide the matter.

The OLT (or local appeal body's) decision is final. However, in such situations, you are strongly encouraged to work out a mutually-acceptable solution with the consent-granting authority before making a motion to the OLT or local appeal body.

When applying for a land severance, you may be charged a fee for processing the application. To determine the processing fee in your area, contact the appropriate consent-granting authority.

As an applicant, you are usually required to fill out a consent application form provided by the consent-granting authority.

A typical application form contains both the information which is prescribed by minister's regulation as well as additional information which the consent-granting authority may require. The more information you provide, the less likely delays will occur in the review process.

If you do not provide all the information prescribed by minister's regulation and in some cases, information or material set out in the official plan, the consent-granting authority may refuse to accept or to further consider your application. The 90-day timeframe for making a decision does not begin until all the required information is received. You are

encouraged to contact the appropriate consent-granting authority if you need help in assessing what information is required.

The consent-granting authority must give notice of application before a decision is made. Notice of application is given at least 14 days in advance of a decision by the consent-granting authority, either through local newspapers or by mail and posted notice. If there are no newspapers of sufficient general circulation in the area, notice may be given by on the municipality or planning board's website. Any person or public body may submit his or her views to the consent-granting authority.

The consent-granting authority may consult with agencies, boards, authorities or commissions before making a decision.

When the consent-granting authority has decided on your application, it is required to send a notice of decision to any person or public body requesting to be notified within 15 days of the decision being made. When a notice of decision is given, a 20-day appeal period follows.

How a severance application is evaluated

In considering each application for land severance, the consent-granting authority evaluates the merits of each proposal against criteria such as:

- conformity with the official plan (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) and compatibility with neighbouring uses of land
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding

In considering a consent application, the consent-granting authority's decision shall be consistent with the Provincial Planning Statement (PPS) and conform/not conflict with any applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) related to land use planning and

development. It is expected that the consent-granting authority will implement the PPS in the context of other planning objectives and local circumstances. (See section 1 (https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act) , The *Planning Act*).

Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (for example, Greenbelt Plan).

Conditions of severance approval

When a proposed severance is eligible for approval, the consent-granting authority can give provisional consent (sometimes called consent-in-principle). This approval typically has certain conditions attached to it including requirements for road widenings, parkland dedication (https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands#section-3) , or a rezoning (or minor variance (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-9)) to adjust the permitted lot dimensions. In addition, the property owner may be required to enter into an agreement with the municipality to provide future services or facilities. Severance conditions must be met within two years.

When all the conditions have been met by the applicant, a certificate is issued by the authority, and the severance goes into effect after it has been registered in the land registry office.

If the transaction originally applied for – sale of property, for example – is not carried out within two years of the date of the certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the consent-granting authority at the time of the severance decision.

Certificate for retained land

A consent-granting authority may also issue a certificate for the retained land (the other part of the parcel approved through the land division process) resulting from certain consents. This certificate shows that the retained land has "consent" status.

If you would like to request a certificate for retained land, you must specify this in your consent application and provide a statement from a lawyer as part of your application. This statement must confirm that the land subject to the consent and the land to be retained, together, make up a complete parcel of land.

Before you apply, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to request a certificate for retained land and what information will need to be included as part of your application.

Certificate of cancellation

In some situations, the original consent granted for a parcel of land may no longer be wanted or needed. This could occur, for example, where a parcel created by consent may need to be widened to accommodate a driveway. In these cases, the original consent may need to be cancelled.

Owners can apply to the consent-granting authority for a certificate of cancellation for a parcel that was previously severed with a consent. It may even be the case that a consent-granting authority may require the owner to apply as a condition of approval. Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

Before you apply, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to apply for a certificate of cancellation and any other information you may need.

Get involved

If you are concerned about a severance application that may affect you, you should:

- find out as much as possible about the application
- discuss your concerns with the consent-granting authority
- write to the consent-granting authority

If you have any concerns, make sure that you let council know about them early in the process. The consent-granting authority will then have time to consider the feedback you provided and may make changes before the land severance is approved.

Appeal rights

Appeals to the OLT, or a local appeal body if established by the municipality, can be made in three different ways:

1. key participants (for example, applicants, the Province, public bodies, including First Nations, and utility providers) may appeal a consent-granting authority's decision and any condition within 20 days of the notice of decision
2. the applicant may appeal if no decision is made by the consent-granting authority within 90 days from the date of receipt of the application containing the prescribed information
3. key participants (for example, applicants, the Province, public bodies, including First Nations, and utility providers) may appeal any changed conditions imposed by the consent-granting authority within 20 days after the notice of changed conditions has been given

Appeals must be filed with the consent-granting authority, accompanied by reasons for the appeal and the fee required by the OLT or local appeal body.

The powers of the Ontario Land Tribunal or a local appeal body if one is established

When a decision is appealed, the OLT or local appeal body may hold a hearing where you may have the chance to present your case. They can make any decision that the consent-granting authority could have made on the application.

The OLT or local appeal body also has the power to dismiss an appeal without holding a hearing. For more information, see section 6 (https://www.ontario.ca/document/citizens-guide-land-use-planning/local-planning-appeal-tribunal) , Ontario Land Tribunal.

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

The OLT or local appeal body must have regard to the local decision and make a decision based on the facts presented at a hearing.

Other approvals that may be required

In addition to the planning approvals and building permit which are needed for a building project, there are other permits and approvals that may be required for specific circumstances. For example, a septic system permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources before you can do any construction in the water (for example, a dock or boathouse with a solid

foundation). Should your property be designated under the *Ontario Heritage Act*, located in a heritage conservation district or subject to a heritage conservation easement (a legal agreement to protect heritage elements that applies to anyone who owns the land) you may require a separate heritage approval from the municipality or the Ontario Heritage Trust.

Validation process

Section 57 of the *Planning Act* provides for the validation (or legalization) of title for lands where there was a failure in the past to follow the subdivision control requirements of the Act (for example, through fraudulent activity, error or naivety of persons selling/buying).

Depending on where you live in the province, validations can be issued by either:

- a municipality
- a planning board
- the Minister of Municipal Affairs and Housing

To find the validation authority in your area, contact your municipal clerk, the secretary-treasurer of the planning board or your nearest Municipal Services Office (https://www.ontario.ca/page/find-your-municipal-services-office) .

A validation can be used in place of obtaining a consent to the contravening transfer (transfer that was made in breach of the *Planning Act* requirements) in certain situations, for example, where the landowners at the time of the contravention are not available to sign the new transfer documents.

The validation allows the validation authority to consider each situation on its merits and decide whether a request to validate title should be supported. The validation authority may, as a condition to issuing the validation, impose conditions as it considers appropriate.

The considerations that need to be applied to each request to validate title to a piece of land are the same as the considerations that need to be given to a consent application. The validation authority needs to:

- have regard to provincial interests and the *Planning Act*'s land division criteria

- ensure the validation is consistent with the Provincial Planning Statement and conforms, or does not conflict, with provincial plans
- ensure the validation conforms with all applicable official plans
- ensure the validation complies with any applicable zoning bylaw or zoning order

Summary of the land severance process

1. before an application is submitted, the applicant should consult with municipal staff or the consent-granting authority
2. following the pre-consultation, a complete application is submitted to the consent-granting authority
3. the consent-granting authority gives notice of the application and a public meeting may be held
4. the consent-granting authority will make its decision to give either provisional consent or to refuse the application
5. notice of decision is sent to the applicant and those requesting notification
6. key participants may appeal to the OLT or local appeal body if one is established
7. if an appeal is made, the OLT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision
8. if no appeal is made, when the conditions of provisional consent are satisfied, a certificate is issued and the lot can be transferred

Ontario Land Tribunal

About the Ontario Land Tribunal

The Ontario Land Tribunal (OLT) is an independent adjudicative tribunal responsible for resolving appeals and applications on a variety of potentially contentious municipal and land use planning matters.

OLT members are appointed by the Lieutenant Governor in Council and typically include lawyers, architects, planners and public administrators. The OLT operates under the *Ontario Land Tribunal Act, 2021* (https://www.ontario.ca/laws/statute/21o04) , as well as its

own rules of practice and procedure. It reports administratively to the Ministry of the Attorney General.

The OLT was formerly known as the Ontario Municipal Board before it was renamed the Local Planning Appeal Tribunal in 2018. On June 1, 2021 the Local Planning Appeal Tribunal was merged with the Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and the Mining and Lands Tribunal into a new single tribunal called the Ontario Land Tribunal.

This section focuses on the OLT's role in dealing with land use planning matters under the *Planning Act* (https://www.ontario.ca/laws/statute/90p13) . Its main role in community planning is to resolve disputes related to:

- land use planning applications, such as subdivisions (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions) , land severances (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) (consents) and minor variances (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-9)
- planning documents, such as official plans (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) and zoning bylaws (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws)

If your community has a local appeal body (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal#lab) , contact the local appeal body for confirmation of their processes and appeal fees.

Role of the Ontario Land Tribunal in the Land Use Planning System

People don't always agree on how their communities should develop or change. Disputes often arise over land use planning issues, such as where industry should be located, where roads and transit should be built, or how to protect our forests and farmlands.

When people are unable to resolve their differences on community planning issues, or have disputes with their municipal council that can't be settled, the OLT provides a forum to resolve those disputes.

The OLT also provides a body of expertise that can advise or facilitate input on questions of land use planning. For example, the OLT can review some or all of a municipal official plan, when referred by the Minister of Municipal Affairs and Housing, to provide

recommendations to the Minister on whether the plan should be approved, rejected, or amended. The minister may also refer the entire official plan or amendment to the OLT for a decision.

Why you should participate in the land use planning process

People can effectively express their individual or group interest in a planning matter by participating early in the process. This is important because it offers an opportunity for information exchange, especially if there are conflicting perspectives. Typically, municipal councils attempt to deal with concerns or disputes before making decisions on planning matters.

Alternative dispute resolution techniques can be used by a municipal council in resolving the matter locally and avoiding an appeal to the OLT.

Generally, if you do not share your views, either by verbal presentation at a public meeting or by written submission, prior to council's decision on official plan or zoning bylaw amendments, you do not qualify to appeal such matters to the OLT. Additionally, the OLT has the power to dismiss an appeal without holding a hearing if the person or public body that launches an appeal has not made verbal presentations and/or written submissions before municipal council makes a decision.

Local appeal body

Consent, site plan and minor variance appeals may not always be dealt with by the OLT. Instead, municipalities that meet certain minimum requirements may establish their own appeal board, called a "local appeal body", to hear consent, minor variance, and/or site plan appeals from certain key participants. For example, the City of Toronto has established the Toronto Local Appeal Body. Contact your municipality to determine the appropriate appeal body for your area.

Make an appeal to the Ontario Land Tribunal

If you are considering appealing a planning matter to the OLT, be aware of certain requirements and limitations, described below.

Protecting your appeal rights

To protect your appeal rights – particularly with respect to official plans or zoning bylaws – ensure that you make your views known by making a written submission or a verbal presentation at a public meeting.

Limits on appeals

Under the *Planning Act*, there are limits on who may appeal a planning matter. Generally, appeals by third parties (someone other than the applicant) are scoped so they can only be made by key participants, for example:

- applicants
- the Province
- landowners, if the matter applies to their land
- public bodies, including public hospitals and First Nations
- specified persons, including utility providers and certain bodies that may have land use compatibility issues, such as, major airports, aggregate operations, and certain industries within areas of employment

In some cases, key participants are subject to requirements that they had participated in the process prior to the decision.

In addition, there are specific matters that cannot be appealed to the Ontario Land Tribunal. Generally, there are no appeals for matters related to:

1. minister’s decisions on new official plans and official plan updates under section 26 of the *Planning Act*
2. refusals or failure of a municipality to make a decision within the timeframes set out in the *Planning Act* (commonly known as a “non-decision”) on proposed official plan or zoning bylaw amendments that would:
    - establish a new "area of settlement"
    - change the boundary of an "area of settlement (https://www.ontario.ca/laws/statute/90p13#BK0) " to include any land in the Greenbelt Area
    - remove land from an "area of employment" if appropriate official plan policies are in place

- authorize a renewable energy undertaking, such as wind, solar and hydroelectric projects
- amend or revoke policies authorizing additional residential units (for example, basement apartments, accessory units)

3. official plan policies and zoning bylaw provisions authorizing additional residential units
4. official plan policies and zoning bylaw provisions that relate to inclusionary zoning (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-10)
5. official plans/amendments that implement certain matters with previous provincial approval, such as source water protection boundaries and Greenbelt (https://www.ontario.ca/document/greenbelt-plan) boundaries
6. official plans/amendments that set out the required policies to establish a community planning permit system (https://www.ontario.ca/page/community-planning-permit-system) (CPPS) and the implementing community planning permit by-law, where a CPPS has been required by a minister's order
7. non-decisions (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans#section-4) on adopted lower-tier official plans and updates if the appropriate upper-tier municipality states it does not conform with the upper-tier official plan
8. official plan policies and zoning bylaw provisions that designate and zone lands identified as a Protected Major Transit Station Area (lands around stations/stops for rail, subway and certain other forms of transit that are protected by official plan policies) to accommodate densities (number of people, jobs and building floor area per hectare) that support transit
9. minister's zoning orders

In the case of a new official plan, there is no ability to appeal the entire plan, although generally, any part of the plan can be appealed, with the above noted exceptions.

Timelines for appeals

Appeals must be made within the timeframe allowed. In most cases, appeals must be made no later than 20 days after the day the council/planning board or approval authority gives its notice of decision on the planning proposal.

Your appeal to the OLT should be made to the council/planning board or approval authority which gives the notice of decision. In most cases, they are required to send your appeal to the OLT within 15 days after the appeal period expires.

Reasons for your appeal

In making an appeal, cite the portion of the decision you are appealing. For example, in an appeal of a zoning bylaw or official plan matter, specify which part of the official plan you are appealing, whether you are appealing part of or all of the zoning bylaw.

Generally, you must also provide written reasons for your appeal.

If you intend to argue that an official plan or zoning bylaw is inconsistent with a policy statement issued under the *Planning Act*, 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 official plan or zoning bylaw is inconsistent with, fails to conform with or conflicts with the policy statement, provincial plan or official plan.

To find out more about the specific appeal process for each type of planning application, see:

- official plans (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans)
- zoning bylaws (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws)
- subdivisions (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions)
- land severances/consents (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents)

You can also discuss your plan to appeal with the municipal clerk or local planning office.

Appeal fee

You must provide the appeal filing fee charged by the OLT under the authority of the *Ontario Land Tribunal Act, 2021* (https://www.ontario.ca/laws/statute/21o04) . The OLT may reduce a filing fee to $400 upon request by an eligible private citizen or community group.

Requests for reduced fees must be made using the OLT’s Appeal Fee Reduction Request Form at the time of filing the appeal.

For more information on the OLT's fees, contact the OLT.

How you will be informed about an Ontario Land Tribunal hearing

Written notice of a public hearing must be given in advance. It is usually provided directly by mail or email to those affected. For some hearings, where there is significant public interest, notice may be published in a general newspaper. Depending on the type of application, the OLT will provide notice itself or will require that the person initiating the appeal or the municipality provide notice, subject to the OLT's directions.

Notice is sent out at least 30 days or 60 days in advance of the hearing depending on the planning matter. While the scope and method of notice has been standardized by the OLT, it may direct more or less notice of a particular proceeding if it feels this is appropriate.

How the Ontario Land Tribunal may deal with appeals

Case management conference

A case management conference may be held before the OLT schedules a hearing to bring parties and other interested persons together to define and narrow issues in dispute and discuss opportunities for mediation or settlement.

Mediation

Mediation is used to bring together parties in dispute to see if they can settle the matter with the guidance of a mediator.

Mediation is a valuable process because:

- an impartial person (mediator) helps disputing parties try to reach a voluntary, mutually acceptable resolution on some or all of the issues of their dispute
- it can take place at any time, before or after a case management conference or hearing

- at the mediation meeting, the OLT member(s) will advise parties how the mediation will proceed and will set out the ground rules. The member guiding the mediation can help make discussion of the issues easier and may offer innovative solutions. All documents and anything said in the mediation are confidential. Unlike a hearing, a mediation meeting is not open to the public
- OLT members are bound by a code of conduct to guide their conduct and promote confidence in mediation as a process for resolving disputes

Costs involved in an Ontario Land Tribunal hearing

The OLT charges a filing fee based on the type of appeal as set out in its fee schedule (https://olt.gov.on.ca/) . The OLT may reduce a filing fee to $400 upon request by an eligible private citizen or community group. Requests for reduced fees must be made using the OLT's Appeal Fee Reduction Request Form at the time of filing the appeal.

In addition, the OLT has the power to award costs in certain circumstances. Unlike in court cases, costs are not routinely awarded to the successful party of an appeal to the OLT.

The powers of the Ontario Land Tribunal

When a matter is appealed to the OLT, the OLT may hold a hearing where the parties to the proceeding will have an opportunity to express their views. The OLT can decide whether to conduct a written, electronic or verbal hearing.

The OLT also generally takes the place of the municipality, planning board or approval authority and can make any decision that the original decision maker could have made. For example, if an official plan amendment is being considered, the tribunal takes the place of the approval authority and can approve, change or refuse the amendment.

After a hearing has been held, the OLT may generally either implement its decision directly, or order the original decision maker to do so.

Powers to dismiss an appeal

The OLT has powers to dismiss an appeal without a hearing based on a number of grounds which, depending on the matter appealed, can include:

- appeal is not based on any apparent land use planning grounds

- appeal is not made in good faith or is frivolous or vexatious (made to annoy or irritate), or is made only for the purpose of delay
- appeal constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with
- appeal is substantially different from that which was before council at the time of its decision
- the person/organization appealing did not make verbal presentations at a public meeting or provide written submissions to the municipal council/approval authority before a decision was made
- the person/organization appealing has not provided written reasons for the appeal, including reasons related to consistency and conformity to a Provincial Planning Statement, a provincial plan or specific official plan if he or she intended to argue these matters
- the person/organization appealing has not paid the fee required by the OLT
- the person/organization appealing did not respond to the OLT's request for further information within the time specified by the OLT
- there is an unreasonable delay by a party or a party has failed to comply with an OLT order

Legal representation

If you intend to launch an appeal, be well prepared for your hearing and ready to present detailed information in support of your views. Depending on the complexity of the issue, you may wish to hire a lawyer to represent you.

Lawyers and representatives may question the witnesses and make statements and arguments based on the evidence presented. You do not have to be represented by a lawyer or representative but most municipalities and people making appeals are.

If you don’t hire a lawyer or representative, you will have to:

- obtain the documents you need to present your case
- make copies for all parties (except of public documents like official plans)
- present relevant facts (evidence) clearly and logically to prove your case to the OLT

If you need help finding a lawyer or paralegal, you may wish to contact the Law Society Referral Service (https://lsrs.lso.ca/lsrs/welcome) (LSRS), operated by the Law Society of Ontario. The LSRS provides Ontario residents the name of a lawyer or licensed paralegal who will provide a free initial consultation of up to 30 minutes to help determine their rights and options.

Contact the Ontario Land Tribunal

The OLT's Citizen Liaison (http://olt.gov.on.ca/contact/citizen-liaison-office/) is available to assist with explaining the OLT's rules, practices and procedures as well as questions about the status of a hearing event.

The OLT Citizen Liaison is available by phone at 416-212-6349 and toll free at 1-866-448-2248. To learn more, you can visit the OLT's website (https://olt.gov.on.ca/) or email the Citizen Liaison at OLT.CLO@Ontario.ca (mailto:OLT.CLO@Ontario.ca) .

Northern Ontario

How planning is different in Northern Ontario

In Northern Ontario, some aspects of land use planning differ from those in the rest of the province. Some of the reasons include:

- all municipalities in Northern Ontario are single-tier municipalities, unlike Southern Ontario where municipalities may be single, lower or upper-tier
- a large amount of land in Northern Ontario is without municipal organization (sometimes called unincorporated territory)
- much of Northern Ontario is Crown land (public land that is managed by government)

Land use planning in Northern Ontario may be administered by:

1. a municipality
2. planning boards
3. the Minister of Municipal Affairs and Housing
4. the Ministry of Natural Resources (Crown land)

The role of a planning board

Planning boards are created by the Minister under the *Planning Act* and provide a variety of land use planning services on behalf of the Province within their planning areas. A planning board coordinates future growth and land use planning activities for a defined planning area.

Planning areas are generally made up of various combinations of municipalities and areas without municipal organization but may also include an area consisting entirely of municipalities or entirely of areas without municipal organization. There are 17 planning boards located in different parts of Northern Ontario.

Members of planning boards representing municipalities are appointed by the local municipal councils, and members representing the areas without municipal organization are appointed by the Minister of Municipal Affairs and Housing.

Planning boards may assume a planning role similar to a local council by developing land use planning policies that guide future development for a planning area. They can prepare official plans that apply to the whole planning area or just in areas without municipal organization within their jurisdiction and pass zoning bylaws (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) applicable to areas without municipal organization within their jurisdiction.

Where the authority is delegated, planning boards also carry out some planning functions on behalf of the minister. The delegated functions may include the power to approve subdivisions (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions) , grant consents (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) and administer zoning orders that have been deemed to be bylaws. A planning board may charge a fee for processing applications to it for planning approvals. The land use planning decisions of planning boards must be consistent with the Provincial Planning Statement and comply with any other legislative requirements.

The role of the Minister of Municipal Affairs and Housing

In Northern Ontario, the minister protects provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) through:

- input, review and approval of official plans and certain official plan amendments
- enacting minister's zoning orders

- decision-making on development applications (for example, plans of subdivision, consent applications) except in those areas where approval authority is given to municipalities or planning boards

The role of the Ministry of Natural Resources

The Ministry of Natural Resources is responsible for the planning and management of Crown land throughout Ontario. Its activities are related to the use of Crown land, water, forest, fish, wildlife and mineral aggregates as well as outdoor recreation.

Before Crown land is developed, the Ministry of Natural Resources consults with affected municipal councils and planning boards and takes into consideration existing official plans and policies. Ministry of Natural Resources staff also refer to their ministry’s land use and resource management plans to help guide development activities on Crown land. These documents are not "official plans" but contain important information for the protection and use of Ontario’s natural resources.

Preparing official plans and official plan amendments

Although the process is very similar throughout Ontario, there are a few special provisions that apply only to official plans and amendments that cover entire planning board areas or areas of planning boards without municipal organization. In a planning area made up entirely of areas without municipal organization, the official plan will be prepared and adopted by the planning board. Once adopted, the official plan must be approved by the Minister of Municipal Affairs and Housing.

Where a planning area is comprised of only municipalities or a combination of municipalities and unincorporated areas, planning boards may be responsible for preparing an official plan for the entire planning area. In the case of planning areas that include municipalities, the planning board may be asked to prepare an official plan for an individual municipality.

In the case of a planning area made up of more than one municipality, the planning board prepares and recommends an official plan for adoption by member municipalities. In a planning area made up of one or more municipalities and which includes areas without municipal organization, the official plan will be prepared and adopted by the planning board for the part of the planning area without municipal organization. The planning board then recommends the official plan to the member municipalities for adoption. In

either case, once the plan is adopted by the majority of member municipalities, it is forwarded to the Minister of Municipal Affairs and Housing for approval.

As in Southern Ontario, site-specific or policy-specific amendments to official plans may be exempt from minister's approval.

For more detailed information about how the process works in your area, contact your municipality or planning board. (See section 2 (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) , Official plans)

How zoning is different in Northern Ontario

Where municipalities exist, zoning is handled in the same way as in the rest of Ontario. (See section 3 (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) , Zoning bylaws)

In areas without municipal organization, properties are not subject to zoning, with 2 exceptions:

1. where a zoning by-law has been implemented by a planning board (planning board then has the same powers as a municipality to pass and administer zoning bylaws)
2. where the Minister of Municipal Affairs and Housing has enacted a minister's zoning order which can apply to a single property or across large areas.

Zoning orders (https://www.ontario.ca/page/zoning-order-framework) take precedence over any existing local zoning bylaws, and may define:

- areas where development can take place
- uses that may be carried out
- specific controls to protect against indiscriminate development
- standards for land development, such as lot size, building setback, and parking requirements within each zone

Changing a minister's zoning order

Amending all or part of a zoning order involves submitting an application to the minister (https://www.ontario.ca/page/zoning-order-framework) . There are public notice requirements

that generally apply to minister's zoning order amendments, and there may be opportunities for public comment.

The minister can decide to either approve or refuse the proposal. The minister also has discretion whether to refer matters to the Ontario Land Tribunal (OLT).

If a matter is referred, the OLT holds a hearing and makes a recommendation to the Minister of Municipal Affairs and Housing who then makes a final decision on the matter.

The OLT is an independent tribunal responsible for hearing land use planning appeals. (See section 6 (https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal) , Ontario Land Tribunal)

If a proposed change is of "minor" significance and does not affect the general intent or purpose of the zoning order, a minor variance can be considered by the minister.

The process of applying for a minor variance is almost the same as for a zoning order amendment, except that requirements for public consultation, giving notice, and potential involvement of the OLT do not apply.

The land severance (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) process is generally the same throughout the province, but in Northern Ontario, the processing of applications may be done by various authorities - the minister, municipal council or the planning board. (See section 5 (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) , Land severances)

To find out who is responsible for severances, plans of subdivision and condominium descriptions in your area, and how to apply, contact your municipality, planning board or Municipal Services Office (https://www.ontario.ca/page/find-your-municipal-services-office) for your area. Find your planning approval authority and learn how to apply for changes to land use (https://www.ontario.ca/page/applying-changes-land-use) .

Ontario Building Code

Building permits (https://www.ontario.ca/document/citizens-guide-land-use-planning/building-permits) are issued in Northern Ontario municipalities the same way as in Southern Ontario. While the Building Code does not require building or demolition permits to be obtained in unincorporated territories in Northern Ontario, any construction, renovation,

demolition and certain changes of uses of buildings are required to meet Building Code standards. (See section 8 (https://www.ontario.ca/document/citizens-guide-land-use-planning/building-permits) , Building permits)

Other approvals that may be required

There are other permits and approvals related to building and development that may be required in particular circumstances from ministries or agencies. For example, a septic system permit is required for a new septic system and potentially for a composting/incinerating toilet. In waterfront areas, a permit may be required from the Ministry of Natural Resources before you do any construction in the water (for example, a dock or boathouse with solid foundation).

A separate heritage approval may be required from the municipality, or the Ontario Heritage Trust, if the property is:

- designated under the *Ontario Heritage Act*,
- located in a heritage conservation district, or
- subject to a heritage conservation easement (a legal agreement to protect heritage elements that applies to anyone who owns the land).

Building permits

About building permits

A building permit is a document issued by the body responsible for enforcing Ontario's Building Code in your area. A building permit is necessary when you wish to construct, renovate, demolish or change the use of a building.

Building Code enforcement, including issuing building permits, is generally carried out by municipal building departments, although in the case of on-site sewage systems, enforcement in some areas is conducted by boards of health and conservation authorities.

Why you need a building permit

Building permits allow your municipality to protect the interests of both individuals and the community. By reviewing and approving building permit applications before any work

is done, the municipality can ensure that buildings comply with:

- the Building Code, which sets standards for the design and construction of buildings to meet objectives such as health, safety, fire protection, accessibility and resource conservation
- the local zoning bylaw (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) and other planning controls on buildings
- other applicable legislation, including conservation authority approvals and certain requirements under the *Environmental Protection Act*

When to get a building permit

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- change the use of a building
- excavate or construct a foundation
- construct a seasonal building
- undertake work regarding the installation, alteration, extension or repair of an on-site sewage system
- contact your municipality if you have any questions about when a building permit may be required.

How to apply for a building permit

You can get an application for a building permit from your municipality or from the Ministry of Municipal Affairs and Housing's website (https://www.ontario.ca/page/regulatory-roles-construction-and-renovations) . Note that building permit applications are submitted to your municipality, not to the provincial government.

When you apply, you'll have to attach drawings, plans, and other documents. You may also have to pay a fee.

It’s a good idea to talk to staff at your municipality’s building department before you apply. They can tell you what information, drawings and plans you'll have to include with the application and whether you'll need any other permits or approvals.

How your application is reviewed

Staff at your municipality will review your application to confirm that the proposed work complies with the Building Code and other applicable laws set out in the Building Code, such as local zoning bylaws. They may send your application to other local/municipal officials for comments.

Applications for a simple alteration or addition can be processed fairly quickly, but more complex proposals can take longer. The Building Code requires that a municipality review a complete permit application within a certain timeframe when the application meets the criteria set out in the Code. For example, the timeframe on a permit application for a house is 10 days. For a more complex building, such as a hospital, the timeframe is 30 days. Within this timeframe, a municipality must either issue the permit, or refuse it and provide all reasons for refusal.

To be issued a permit, the proposed construction must comply with the Building Code and applicable laws set out in the Building Code. If you need a zoning change or a minor variance from the zoning bylaw (municipal zoning is considered applicable law), or if the proposed construction does not comply with the Building Code, a permit will not be issued until the zoning change or minor variance has been obtained, or once the proposed construction complies with the Building Code.

If your property is covered by a site plan control bylaw (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-11) , you may not get a building permit until the plans and drawings have been approved by the municipality. See Zoning bylaws, No. 3 (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) in the series, for more information about zoning, minor variances, and site plan controls.

What you can do if your application is refused

If your municipality refuses your building permit application, you will be told why. If you are unable to resolve the issues with your municipal building department, you have options for appealing their decision.

If the problem relates to technical requirements set out in the Building Code, you may appeal to the Building Code Commission (https://www.ontario.ca/page/building-code-commission) . The Building Code Commission is an independent adjudicative tribunal of the provincial government whose mandate is to hear disputes related to compliance with the technical requirements of the Building Code.

If the problem relates to compliance with other applicable laws, such as interpretation of the zoning bylaw, you can appeal to a judge of the Superior Court of Justice, who will review the matter. However, you may want to consult a lawyer first.

Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at a stage of construction, as set out in the Building Code (for example, footings, structural framing,). The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will examine the work to determine if it is carried out in accordance with the Building Code, your permit, and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality

The inspector must always be able to see the work. If the work is different from what was approved and you do not have permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.

Demolition permits

Before you take down all or part of a building, you will have to apply to your municipality for a demolition permit. The process is similar to getting a building permit, but some

special situations may affect your application.

In a demolition control area, for example, you will not be able to demolish a residential property until you have received a demolition permit issued by the municipal council.

You may require a separate heritage approval from the municipality, or the Ontario Heritage Trust, including a heritage approval for the demolition of a building or structure located on the property, if your property is:

- designated under the *Ontario Heritage Act*,
- located in a heritage conservation district, or
- subject to a heritage conservation easement (a legal agreement to protect heritage elements that applies to anyone who owns the land).

If your property is not designated, but is included on a municipal heritage register, the *Ontario Heritage Act* requires that the property owner provide municipal council 60 days notice of their intention to demolish or remove a building or structure, located on the property.

How to change a building's use

If you want to change the way you use all or part of a building, you may need a change of use permit, even if you're not planning any construction. A building evaluation may be required to ensure that the existing building can safely accommodate the proposed use, as different uses have different Building Code requirements.

Call your municipal building department to find out whether you will need a change of use permit.

Consequences for violating the *Building Code Act, 1992*

An individual who is charged and found guilty of an offence under the *Building Code Act, 1992*, such as building without a permit, can be fined up to $50,000 for a first offence and up to $100,000 for subsequent offences. For a corporation, a first offence could result in a maximum fine of $500,000 and $1,500,000 for subsequent infractions.

Failure to comply with an order from the municipal building department is also an offence under the *Building Code Act, 1992*.

Other approvals that may be required

In addition to the planning approvals and building permit required for a building project, other permits and approvals may also be needed in certain situations, such as those required under the *Ontario Heritage Act*, Conservation Authority and Ministry of Transportation. These approvals are considered applicable law and generally, the applicable laws set out in the Building Code must be complied with before a building permit can be issued.

How you can find out more

For more information about building permits in your community, contact your municipal building department (https://www.ontario.ca/page/list-ontario-municipalities) . For more information about land use planning in Ontario, contact your nearest Municipal Services Office (https://www.ontario.ca/page/find-your-municipal-services-office) .

The plan review and approval process

Decision-making authority for land use planning matters

Traditionally, most land use planning decisions have been made by the Minister of Municipal Affairs and Housing and, in some cases, a municipality. To support local decision making in land use planning, the province has transferred far more approval authority to municipal councils and planning boards.

The Ministry of Municipal Affairs and Housing has prepared a table that summarizes where planning authority resides in Ontario (https://www.ontario.ca/page/applying-changes-land-use#section-5) .

The province retains a significant role in land use planning policy development and implementation as well as oversight when provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) are at play.

Where the province continues to make planning decisions, a One Window Planning Service for provincial input, review, approval and appeal of planning applications is in place.

The provincial One Window Planning Service is the process whereby the Ministry of Municipal Affairs and Housing provides municipalities, planning boards, developers and

the public with one-stop access for provincial planning services.

This one window approach provides a single provincial process which integrates the perspective of multiple ministries with land use planning interests. Planning authorities are required to update their official plans to be consistent with PPS 2024 through their next regularly scheduled official plan review.

Municipal plan review

Municipal plan review is the process through which a municipality or planning board makes decisions on land use planning matters for which it is responsible. The province does not generally review and comment on planning applications under municipal plan review unless requested to do so.

Many municipalities and planning boards have the responsibility for making decisions on planning applications. In some instances, municipal council may delegate its authority to a committee of council or senior staff.

When a municipality or planning board makes these decisions, it must ensure that provincial interests are integrated in its consideration of local planning interests.

Protecting provincial interests

The Provincial Planning Statement, 2024 (https://www.ontario.ca/page/provincial-planning-statement-2024) (PPS) came into effect on October 20, 2024 and contains policy directions on matters of provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) related to land use planning and development. When decision-makers exercise any authority that affects a planning matter, the *Planning Act* requires that they "shall be consistent with" the PPS. This means that a decision-maker must ensure that the policies in the PPS are applied as an essential part of the land use planning decision-making process. Refer to section 1 (https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act) , The *Planning Act*, for an explanation of the PPS and for a list of provincial interests.

The province shares technical information with the municipalities and planning boards. This information sharing and related training is an ongoing process that assists approval authorities in fulfilling their role under municipal plan review, including protecting provincial interests.

Appeals to the Ontario Land Tribunal

Although decisions on a planning application can be appealed in some cases to the Ontario Land Tribunal (http://olt.gov.on.ca) (OLT), the Ministry of Municipal Affairs and Housing is the only provincial ministry that can file appeals to the OLT.

When the Ministry of Municipal Affairs and Housing launches an appeal of a municipal decision, the process is coordinated between other ministries with interests in land use planning to ensure that provincial policy positions are integrated to allow for a strong, coordinated case before the OLT.

For certain matters proceeding to the OLT, the Minister of Municipal Affairs and Housing may declare that an official plan (https://document/citizens-guide-land-use-planning/official-plans) , official plan amendment (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans#section-6) , zoning bylaw (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) , zoning bylaw amendment (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-2) , or holding provision bylaw (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws#section-10) before the OLT may adversely affect a provincial interest (https://www.ontario.ca/laws/statute/90p13#BK5) . In such cases, after a hearing is held and the OLT renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the OLT's decision on the matter.

How the plan review process benefits you

The plan review process, which involves either municipal plan review or the provincial One Window Planning Service, benefits individuals involved in land use planning. It:

- **saves time** by reducing duplication between government agencies or ministries
- **streamlines the process** by having clearly defined roles and lines of communication
- **allows for local decision making** as an increasing number of municipalities or planning boards take on the responsibility for making decisions on planning applications
- **provides clarity through** a co-ordinated provincial position on planning applications

Decision-making authority for different planning applications

The decision-making authority may vary depending on the municipality and the type of planning application. Contact your municipality to determine who approves your particular planning application.

Review of official plan amendments

The approval authority for official plans and plan amendments varies. For lower-tier municipalities it is either the upper-tier municipality (regional or county level of government) or the Ministry of Municipal Affairs and Housing for lower-tier municipalities in upper-tier municipalities without planning responsibilities. The Ministry of Municipal Affairs and Housing is the approval authority for upper-tier and single-tier municipalities. The approval authority approves official plans and plan amendments, unless the plan or plan amendment is exempt from approval.

The local municipality reviews and considers official plan amendment applications. It will consult with the approval authority as part of this process. If the Ministry of Municipal Affairs and Housing is the approval authority, it will provide a One Window input and review service. If the upper-tier municipality is the approval authority, it will conduct a municipal plan review. It will review if the application is aligned with county/regional and provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) and policies, and provide a position to the local municipality. The upper-tier may ask for provincial input regarding provincial interests in proposed new local official plans and major policy amendments, using the provincial One Window Planning Service. Through this process, the ministry will review whether the application is aligned with provincial policies and plans (such as the Greenbelt Plan (https://www.ontario.ca/document/greenbelt-plan/greenbelt-plan)) and will provide consolidated provincial comments to the municipality.

If the official plan amendment is not exempt from approval, the approval authority will review if the adopted official plan amendment aligns with provincial policies and plans and, if applicable, upper-tier interests and policies and give notice of their decision.

Refer to section 2, Official plans (https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans) for more information on official plans and amendments and the corresponding appeal process.

Review process for plans of subdivisions

Over time, more municipalities and planning boards have become the approval authorities for plans of subdivision (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions#section-1) . Through municipal plan review, they identify and protect provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) during their review and decisions on plans of subdivision. Provincial ministries may provide technical input where needed.

When the Ministry of Municipal Affairs and Housing is still the approval authority, it will provide a One Window input, review and approval service.

Refer to section 4 for more information on subdivisions (https://www.ontario.ca/document/citizens-guide-land-use-planning/subdivisions) .

Review process for consent/severance applications

All authorities that are responsible for granting consents (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) to sever land (such as, municipal council or its delegate, or planning board) provide municipal plan review services for consents. Provincial ministries do not perform site-specific reviews; however, they may still provide technical information where needed.

There is an exception in some parts of Northern Ontario where the Ministry of Municipal Affairs and Housing is still the authority responsible for granting consents. In such cases, it provides a One Window input, review and approval service.

Refer to section 5 (https://www.ontario.ca/document/citizens-guide-land-use-planning/land-severances-consents) for more information on land severances.

Review process for zoning bylaws

The municipal council decides whether to pass or refuse an amendment to its zoning bylaw (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) . When a municipality undertakes site-specific rezoning, it will identify and protect provincial interests (https://www.ontario.ca/laws/statute/90p13#BK5) in its review and decision. There is no requirement for review by provincial ministries, allowing for greater local autonomy in zoning review and approval.

However, when a municipality undertakes a comprehensive zoning review (for example, zoning bylaw that covers everything within its jurisdiction), the Ministry of Municipal

Affairs and Housing may act as the one window input and review body regarding provincial interests. Refer to section 3 for more information on zoning bylaws (https://www.ontario.ca/document/citizens-guide-land-use-planning/zoning-bylaws) .