

Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006* received third Reading yesterday (Oct. 12).

The following resume is taken from Second Reading version as amended by the Standing Committee on General Government. For more information, see [Background and Resources](#) for Bill 51 on the Legislature website.

Explanatory Note

1. Amendments to *Planning Act* and consequential amendments to other Acts

The Bill makes numerous amendments to the *Planning Act*. Most of these would modify aspects of the land use planning process, provide additional tools for implementation of provincial policies and give further support to sustainable development, intensification and brownfield redevelopment. Some technical and housekeeping amendments are also included, as well as consequential amendments to the *Greenbelt Act, 2005* and the *Municipal Act, 2001*.

Among the amendments the Bill makes to the *Planning Act* are the following:

- The list of matters of provincial interest in section 2 of the Act is expanded to include the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. (Section 2 of Bill)
- When approval authorities or the Ontario Municipal Board make decisions relating to planning matters, they are required to have regard to decisions made by municipal councils and approval authorities relating to the same planning matters. (Section 2.1 of Act, section 3 of Bill)
- Subsections 3 (5) and (6) of the Act are rewritten to require that municipal and provincial planning decisions and documents be consistent with and conform with the provincial policy statements and provincial plans that are in existence when the decisions are made or the documents are issued. (Section 4 of Bill)
- Municipalities that meet the minimum requirements will have power to establish optional local appeal bodies that would deal with certain planning matters instead of the Ontario Municipal Board. (Section 8.1 of Act, section 6 of Bill)
- Regulations may be made to specify additional matters to be included in official plans. (Subsections 16 (1) and (2) of Act, section 7 of Bill)
- Appeals to the Ontario Municipal Board in respect of amendments to official plans and zoning by-laws involving the reduction of designated areas of employment are restricted. (Subsections 22 (7.1) to (7.3) of Act, subsection 10 (6) of Bill; subsection 34 (11.0.3) of Act, subsection 14 (5) of Bill)

- Ontario Municipal Board hearings with respect to certain planning matters are limited to certain parties. (Subsections 17 (24), (36) and (44.1) of Act, subsections 8 (6), (8) and (9) of Bill; subsections 36 (11), (19) and (24.1) of Act, subsections 14 (5), (12) and (13) of Bill; subsections 51 (39), (43), (48) and (52.1) of Act, subsections 21 (6), (6.1), (7) and (8) of Bill)
- Requirements for public notice, information and consultation are enhanced. (Subsections 17 (15) to (19.6) of Act, subsection 8 (2) of Bill; subsections 22 (3.1) and (5) to (6.3) of Act, subsections 10 (3) and (4) of Bill; subsections 34 (10.0.1), (10.2) to (10.6), (12) to (14.6) of Act, subsections 14 (3), (4) and (6) of Bill)
- Section 26 of the Act currently requires municipalities with official plans to hold special meetings that are open to the public, at least every five years, to determine whether official plan revisions are needed. The section is rewritten to strengthen and clarify the requirement to update official plans with respect to provincial plans, matters of provincial interest, provincial policy statements and designated areas of employment. (Section 26 of Act, section 12 of Bill)
- The scope of community improvement plans is expanded. Upper-tier municipalities are permitted to establish community improvement plans for limited purposes, and municipalities at each level may participate financially in the other level's community improvement plan. (Section 28 of Act, section 13 of Bill)
- The Bill clarifies that municipalities' power to regulate the density of development includes power to regulate minimum and maximum height, and minimum as well as maximum density. Municipalities are authorized to impose conditions on zoning. (Subsections 34 (3), (16) and (16.1) of Act, subsections 14 (1) and (9) of Bill)
- Municipalities may establish second unit policies as of right, without appeal to the Ontario Municipal Board. (Subsections 17 (24.1) and (36.1) and 34 (19.1) of Act, subsections 8 (6) and (8) and 14 (12) of Bill)
- The Ontario Municipal Board's power to determine appeals of ministerial zoning orders under section 47 is restricted if the Minister is of the opinion that all or any part of the requested changes adversely affect matters of provincial interest. In that case, the determination is made by the Lieutenant Governor in Council. (Subsections 47 (13.1) to (13.5) of Act, subsection 18 (2) of Bill)
- The Lieutenant Governor in Council may, by regulation, exempt from the Planning Act approval process or from sections 113 or 114 of the *City of Toronto Act, 2006* undertakings that relate to energy and have been approved or exempted under the *Environmental Assessment Act* . (Section 62.0.1 of Act, section 23 of Bill)

2. Amendments to *Conservation Land Act* and consequential amendments to other Acts

The Bill also amends the *Conservation Land Act* with respect to conservation easements and covenants, and makes related amendments to the *Conveyancing and Law of Property Act*, the *Land Titles Act*, the *Municipal Act, 2001* and the *Planning Act*.

- The purposes for which conservation easements and covenants may be established under the *Conservation Land Act* are expanded to include protection of water quality and quantity, watershed protection and management, and further purposes that may be added by regulation. Technical amendments are made to facilitate the creation and preservation of conservation easements and covenants. Provision is also made for registries of conservation easements and covenants, to be established by regulation. (Subsections 3 (2), (2.1), (2.2), (6.1) and (11) of Act, section 29 of Bill)
- The *Planning Act* is amended to ensure that the subdivision control and part-lot control provisions of section 50 do not interfere with the creation of conservation easements and covenants. (Subsections 20 (1) and (2) of Bill)
- The *Conveyancing and Law of Property Act* is amended to provide that conservation easements and covenants, unlike easements and covenants in general, are not subject to being modified or discharged by a court. (Section 30 of Bill)
- The *Land Titles Act* is amended to exempt conservation easements and covenants from various technical restrictions that apply to easements and covenants in general. (Section 32 of Bill)
- The *Municipal Act, 2001* is amended to update cross-references to the *Planning Act*.