



## Proposed new regulation and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 - the More Homes, More Choice Act, 2019

|                                                       |                                               |
|-------------------------------------------------------|-----------------------------------------------|
| <u>ERO (Environmental Registry of Ontario) number</u> | 019-0181                                      |
| Notice type                                           | Regulation                                    |
| Act                                                   | Planning Act, R.S.O. 1990                     |
| Posted by                                             | Ministry of Municipal Affairs and Housing     |
| Notice stage                                          | Proposal                                      |
| Proposal posted                                       | June 21, 2019                                 |
| Comment period                                        | June 21, 2019 - August 6, 2019 (46 days) Open |
| Last updated                                          | June 21, 2019                                 |

This consultation closes at 11:59 p.m. on:  
**August 6, 2019**

### Proposal summary

We are considering making a new regulation and regulation changes, including transitional matters, under the *Planning Act* which are needed as a result of Schedule 12 to Bill 108 – the *More Homes, More Choice Act, 2019*.

### Proposal details

#### Proposal details

Bill 108 – the *More Homes, More Choice Act, 2019* received Royal Assent on June 6, 2019. Upon proclamation, schedule 12 to Bill 108 would make changes to the *Planning Act* to help increase the supply of housing and streamline development approvals.

#### Regulatory changes

##### 1. Transition

Proposed changes to the transition regulation (*O. Reg. (Ontario Regulation) 174/16: "Transitional Matters – General"*) would set out rules for planning matters in-process at the time certain components of Schedule 12 to Bill 108 are proclaimed. The proposed transition regulation changes would provide certainty regarding the processing and decision-making on planning matters.

Certain changes to the *Planning Act* through Schedule 12 to Bill 108 that are not addressed in the proposed transition regulation would apply immediately upon the coming into force of those changes.

### Proposed content

It is proposed that the following changes which are part of Schedule 12 to Bill 108 be transitioned as follows:

- Expanding the grounds of appeal of a decision on an official plan/amendment or zoning by-law/amendment and allowing the Local Planning Appeal Tribunal to make any land use planning decision the municipality or approval authority could have made would apply to:
  - appeals of decisions that have not yet been scheduled for a hearing by the Local Planning Appeal Tribunal regarding the merits of the matter before the Tribunal
- Expanding the grounds of appeal of a lack of decision on an official plan/amendment or zoning by-law amendment and allowing the Local Planning Appeal Tribunal to make any land use planning decision the municipality or approval authority could have made would apply to:
  - appeals of the failure of an approval authority or municipality to make a decision within the legislated timeline that have not yet been scheduled for a hearing by the Local Planning Appeal Tribunal regarding the merits of the matter before the Tribunal
- The removal of appeals other than by key participants (e.g. (for example) the province, municipality, applicant) and the reduction of approval authority decision timelines for non-decisions of official plan/amendments would apply where the approval authority has not issued a notice of decision at the time the proposed changes come into force.
- The removal of appeals other than by key participants (e.g. (for example) the province, municipality, applicant, utility companies, etc. (et cetera)) for draft plan of subdivision approvals, conditions of draft plan of subdivision approvals or changes to those conditions would apply where:
  - the notice of the decision to draft approve or change conditions is given, or
  - conditions are appealed other than at the time of draft approval

on or after the day the proposed changes come into force (e.g. (for example), appeals made during appeal periods that begin once the proposed changes come into force)

- The reduction for decision timelines on applications for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendment for some proposal) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

## 2. Community planning permit system

The community planning permit system is a framework that combines and replaces the individual zoning, site plan and minor variance processes in an identified area with a single application and approval process. *O. Reg. (Ontario Regulation) 173/16 "Community Planning Permits"* outlines the various components that make up the system, including the matters that must be included in the official plan to establish the system, the process that applies to establishing the implementing by-law and the matters that must or may be included in the by-law.

### Proposed content

## 4. b) Attachment

Schedule 12 to Bill 108 includes provisions to remove the ability to appeal the official plan policies required by regulation for the establishment of a community planning permit system when the Minister issues an order to require a local municipality to adopt or establish a system. To further facilitate the implementation of the system, a change is also proposed to the community planning permit regulation that would remove the ability to appeal the implementing by-law. This change would support the streamlining of development approvals in areas where the Minister required a community planning permit system to be established.

### 3. Additional Residential Unit Requirements and Standards

The *Planning Act* currently requires municipalities to authorize in their official plans and zoning by-laws the use of second residential units in either a detached, semi-detached, and row house or in an ancillary buildings and structures (e.g. (for example), above laneway garages or coach houses).

Schedule 12 to Bill 108 includes provisions to require municipalities to authorize in their official plans and zoning by-laws the use of an additional residential unit in both a detached, semi-detached, and row houses and in an ancillary building or structure (e.g. (for example), above laneway garages or coach houses).

#### Proposed content

A regulation is proposed under s. (section) 35.1(2)(b) of the *Planning Act* setting out requirements and standards to remove barriers to the establishment of additional residential units, as follows:

- One parking space for each of the additional residential units which may be provided through tandem parking
- Where a municipal zoning by-law requires no parking spaces for the primary residential unit, no parking spaces would be required for the additional residential units
- Where a municipal zoning by-law is passed that sets a parking standard lower than a standard of one parking space for each of the additional residential units, the municipal zoning by-law parking standard would prevail
- "Tandem parking" would be defined as a parking space that is only accessed by passing through another parking space from a street, lane or driveway
- An additional residential unit, where permitted in the zoning by-law, may be occupied by any person in accordance with s. 35(2) of the *Planning Act*, and, for greater clarity, regardless of whether the primary unit is occupied by the owner of the property, and
- An additional residential unit, where permitted in the zoning by-law, would be permitted without regard to the date of construction of the primary or ancillary building.

### 4. Housekeeping regulatory changes

a. Regulations under the *Planning Act* currently provide for requirements on how to give notice for various matters, including when a municipality is required to notify the public of subdivision applications and when it intends to establish a time frame for non-decision appeals for official plans/amendments.

#### Proposed content

As Schedule 12 to Bill 108 provides for the removal of provisions in the *Planning Act* for second notice of subdivision applications and provisions for some non-decision appeals for official plans/amendments, housekeeping changes are required in [O. Reg. \(Ontario Regulation\) 544/06 "Plans of Subdivision"](#) and [O. Reg. \(Ontario Regulation\) 543/06 "Official Plans and Plan Amendments"](#) to remove the redundant notice of a subdivision application and the notice requirements for non-decision appeals, which would no longer be necessary.

b. Regulations under the *Planning Act* provide for requirements to implement inclusionary zoning including restrictions and prohibitions on the authority under section 37 (Increased Density) when inclusionary zoning is authorized.

### Proposed content

Schedule 12 to Bill 108 provides for section 37 (Increased Density) being replaced by the proposed provisions in respect of a community benefits charge. Housekeeping changes are required to amend [O. Reg. \(Ontario Regulation\) 232/18: "Inclusionary Zoning"](#) to remove the restrictions and prohibitions in respect of the municipal authority under section 37 (Increased Density) with inclusionary zoning.

In considering making a proposed new regulation and changes to existing regulations under the *Planning Act*, the government will continue to safeguard Ontarians' health and safety, support a vibrant agricultural sector, and protect environmentally and culturally sensitive areas, including the Greenbelt.

## Supporting materials

### Related links

[Planning Act \(https://www.ontario.ca/laws/statute/90p13\)](https://www.ontario.ca/laws/statute/90p13)

[Ontario Regulation 543/06 "Official Plans and Plan Amendments" \(https://www.ontario.ca/laws/regulation/060543\)](https://www.ontario.ca/laws/regulation/060543)

[Ontario Regulation 545/06 "Zoning By-Laws, Holding By-Laws and Interim Control ..." \(https://www.ontario.ca/laws/regulation/060545\)](https://www.ontario.ca/laws/regulation/060545)

[Ontario Regulation 174/16: "Transitional Matters - General" \(https://www.ontario.ca/laws/regulation/160174\)](https://www.ontario.ca/laws/regulation/160174)

[Ontario Regulation 232/18: "Inclusionary Zoning" \(https://www.ontario.ca/laws/regulation/r18232\)](https://www.ontario.ca/laws/regulation/r18232)

[Bill 108 - the More Homes, More Choice Act, 2019 \(https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108\)](https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108)


### View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

## 4. b) Attachment

Provincial Planning Policy Branch  
777 Bay Street  
13th floor  
Toronto, ON  
M5G 2E5  
Canada

 [877-711-8208](tel:877-711-8208)

## Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the [ERO \(Environmental Registry of Ontario\)](#) number for this notice in your email or letter to the contact.


[Read our commenting and privacy policies. \(/page/commenting-privacy\)](#)

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Planning Act Review  
Provincial Planning Policy Branch  
777 Bay Street  
13th floor  
Toronto, ON  
M5G 2E5  
Canada

## Connect with US

Contact  
Planning Act Review

 [855-776-8011](tel:855-776-8011)

 [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca)

