

**Ministry of
Municipal Affairs
and Housing**

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Ontario

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Dear Head of Council:

The supply of housing in Ontario has not kept up with demand over the past decade and everyone has a role to play in fixing Ontario's housing crisis. More than ever, we need municipalities, non-profits and private industry to work with us to encourage the building of different kinds of housing – so that Ontario families have more affordable options.

To help support this important priority, I am pleased to provide you with an update on recent changes our government has made to help streamline and simplify Ontario's planning system.

Bill 13, the *Supporting People and Businesses Act, 2021*

Schedule 19 of Bill 13, the *Supporting People and Businesses Act, 2021* came into force December 2, 2021 upon royal assent.

Changes have been made to help streamline the planning system and, in some cases, help shorten approval timelines by providing municipal councils broader authority to allow more planning decisions to be made by committees of council or staff. Municipalities can now, subject to having appropriate official plan policies, delegate decisions dealing with minor amendments to zoning by-laws, such as temporary use by-laws and the lifting of holding symbols, should they choose to.

You can find more information about these changes on the Environmental Registry of Ontario ([019-4419](#)) and the Regulatory Registry ([21-MMAH025](#)) and some frequently asked questions are provided below.

At this time, I encourage you to review and update your existing delegation policies and consider exercising this new authority to help streamline your decision-making processes, and free up council's valuable time to focus on other more strategic matters.

Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*

As you know, we also recently made *Planning Act* changes related to control of the division of land, including subdivision control, plans of subdivision, consents and validations through Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*, which received Royal Assent on June 3, 2021. I am writing to confirm that Schedule 24 of Bill 276 and associated regulations came into force on January 1, 2022.

We are proud to make these changes, which will help save time and money for those involved in the land division approval process, including municipalities, landowners, purchasers and some lease holders. Our changes will continue to protect Ontarians when they buy and sell property, while making the rules of subdivision control clearer and simpler.

Your municipality may wish to consider whether adjustments to your land division application and review processes to align with the changes would be beneficial.

More information about these changes and the feedback we received during our consultation can be found on the Environmental Registry of Ontario ([019-3495 and 019-3958](#)) and Regulatory Registry ([Proposal 21-MMAH008 and Proposal 21-MMAH015](#)). Some frequently asked questions are provided below. Any further questions about the changes to the *Planning Act* and related regulations can be directed to ProvincialPlanning@ontario.ca.

Sincerely,



Steve Clark
Minister

c: Chief Administrative Officer

FAQs

Schedule 19 (Planning Act) to Bill 13, the Supporting People and Businesses Act, 2021

What changes have been made to the Planning Act?

- Changes to the Planning Act, Municipal Act, 2001 and City of Toronto Act, 2006 provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws like:
 - Temporary use by-laws
 - Lifting of holding provisions
- Before matters may be delegated, official plan policies will need to be developed to establish the type of minor zoning by-law amendments that may be delegated, such as authorization of temporary uses, the lifting of a holding symbol, and other minor zoning by-law amendments.

What types of “minor” amendments to a zoning by-law may be delegated?

- If a municipality would like to use this authority, official plan policies will need to be established to scope and define the types of “minor” zoning amendments that may be delegated. This could include matters like temporary use by-laws and by-laws lifting holding provisions.
- This approach is intended to allow for a locally tailored approach that reflects input from the public.

What types of conditions could council apply when delegating its authority?

- Council will have the ability to apply conditions on the delegation of its decision(s). These conditions would be determined locally when the official plan policies and implementing by-law for the delegation are being developed.

Will this new delegation authority alter the public meeting or appeal rights of the matters delegated?

- The delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights.

What other planning decisions can be delegated?

- Under the Planning Act, municipal council can delegate the following decisions to a committee of council, staff, or, in some cases, a committee of adjustment:
 - Community planning permit system permits
 - Approval of adopted lower-tier official plan amendments
 - Plans of subdivision and condominiums
 - Consents
 - Site plan
 - Validations
- Other planning matters, such as administrative functions related to by-laws, may be delegated by council based on the delegation provisions in the Municipal Act, 2001 (or City of Toronto Act, 2006).

Schedule 24 (Planning Act) to Bill 276, the Supporting Recovery and Competitiveness Act, 2021

What changes will be made to the Planning Act?

- The changes include technical, administrative and policy changes to provisions in sections 50, 51, 53, 54, 55 and 57 of the Planning Act related to control of the division of land, as well as other housekeeping or consequential changes.
- Upon proclamation, the changes will:
 - provide new exceptions to subdivision control and part lot control (i.e., exceptions from the need for land division approval) – for example, by preventing parcels from merging with other lands in certain circumstances
 - change the plan of subdivision process – for example, by aligning the requirements for public notice, information, and public meetings with other instruments under the Act
 - change the consent application process – for example, by requiring a municipality or the Minister, where requested, to issue a certificate for the retained land in addition to providing a certificate for the lands that are subject to the consent application, and
 - make other changes regarding subdivision control and its related processes – for example, by requiring that a decision on a validation conform with the same criteria which are applicable to consents.

What changes will be made with respect to “lot mergers”?

- Changes will be made to the subdivision control provisions to prevent lots from merging where lands were previously owned by, or abutted land previously owned by, joint tenants and where the ownership would have otherwise merged as a result of the death of one of the joint tenants.
- Outside of a “death of a joint tenant” scenario, lot mergers will continue to occur.

What changes will be made to the consent application process?

- Changes will be made to the consent application process to, for example:
 - permit a purchaser of land or the purchaser’s agent to apply for a consent
 - establish a new certificate of cancellation
 - provide for certificates to be issued in respect of retained land in addition to the lands that are subject to the consent application
 - provide for a standard two-year period during which the conditions of a consent must be satisfied, and
 - permit a consent application to be amended by an applicant prior to a decision about the consent being made by the consent-granting authority.
- Municipalities may need to modify or update certain administrative processes as a result of some of these changes.

What is a certificate for retained land?

- Changes to the Planning Act will provide for a consent-granting authority to 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 will show that the retained land has “consent” status.
- An applicant will need to specify in their application whether they are requesting a retained land certificate, and if so, require that a statement from a solicitor

confirming the extend of the owner's retained land be included as part of that application.

What is a 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 to ensure the revised parcel will function as a single unit.
- Changes to the Planning Act will allow owners to apply to the consent-granting authority for a certificate of cancellation for a parcel that was previously severed with a consent. The consent-granting authority may also 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.

What considerations need to be applied to validation requests?

- A validation can be used in place of obtaining a consent to the contravening transaction (transfer or other transaction 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.
- Bill 276 will make changes to require that a decision regarding a validation must conform with the same criteria which are applicable to consents, for example:
 - having regard to provincial interests and the land division criteria set out in the Planning Act
 - ensuring the validation is consistent with the Provincial Policy Statement and conforms, or does not conflict, with provincial plans, and
 - ensuring the validation conforms with all applicable official plans.