

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

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

	<p>(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4). 2016, c. 25, Sched. 4, s. 1 (2).</p>	<p>(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of,</p> <ul style="list-style-type: none"> <li>(a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or</li> <li>(b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1).</li> </ul> <p><b>Adoption of inclusionary zoning policies</b></p> <p>(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,</p> <ul style="list-style-type: none"> <li>(a) that identify an area as the protected major transit station area described in clause (5) (a); or</li> <li>(b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established. Bill 108 Sched. 12 s 2 (2).</li> </ul>
<p>S. 17 (24.0.1)</p>	<p><b>Basis for appeal</b></p> <p>(24.0.1) An appeal under subsection (24) may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (1).</p>	<p>N/A</p> <p>(S. 17 (24.0.1) is repealed.) Bill 108 Sched. 12 s 3 (1).</p>
<p>S. 17 (24.1.4) - (24.1.6)</p>	<p>N/A</p>	<p><b>No appeal re certain matters</b></p> <p>(24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan,</p> <ul style="list-style-type: none"> <li>(a) before a development permit system may be adopted or established; or</li> <li>(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.</li> </ul>

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

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

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

		official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document. Bill 108 Sched. 12 s 3 (10).
S. 17 (40)	<p><b>Appeal to L.P.A.T.</b>  (40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 210 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1). 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (15).</p>	<p><b>Appeal to L.P.A.T.</b>  (40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority:</p> <ol style="list-style-type: none"> <li>1. The municipality that adopted the plan.</li> <li>2. The Minister, if the Minister is not the approval authority.</li> <li>3. In the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment. Bill 108 Sched 12 s 3 (11).</li> </ol>
S. 17 (40.1)	<p><b>Extension of time for appeal</b>  (40.1) The 210-day period referred to in subsection (40) may be extended in accordance with the following rules:</p> <ol style="list-style-type: none"> <li>1. In the case of an amendment requested under section 22, the person or public body that made the request may extend the period for up to 90 days by written notice to the approval authority.</li> <li>2. In all other cases, the municipality may extend the period for up to 90 days by written notice to the approval authority.</li> <li>3. The approval authority may extend the period for up to 90 days by written notice to the person or public body or to the municipality, as the case may be.</li> <li>4. The notice must be given before the expiry of the 210-day period.</li> <li>5. Only one extension is permitted. If both sides give a notice extending the period, the notice that is given first governs.</li> <li>6. The person, public body, municipality or approval authority that gave or received a notice extending the period may terminate the extension at any time by another written notice.</li> </ol>	<p>N/A  (Subsection 34 (40.1) is repealed.) Bill 108 Sched 12 s 3 (12).</p>

	7. No notice of an extension or of the termination of an extension need be given to any other person or entity. 2015, c. 26, s. 18 (15); 2017, c. 23, Sched. 3, s. 6 (16).	
S. 17 (40.2)	<p><b>Exception, non-conforming lower-tier plan</b></p> <p>(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 210 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with,</p> <ul style="list-style-type: none"> <li>(a) the upper-tier municipality's official plan;</li> <li>(b) a new official plan of the upper-tier municipality that was adopted before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect; or</li> <li>(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17).</li> </ul>	<p><b>Exception, non-conforming lower-tier plan</b></p> <p>(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 120 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with,</p> <ul style="list-style-type: none"> <li>(a) the upper-tier municipality's official plan;</li> <li>(b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or</li> <li>(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17). <b>Bill 108 Sched 12 s 3 (13).</b></li> </ul>
S. 17 (40.4)	<p><b>Time for appeal</b></p> <p>(40.4) If the approval authority states an opinion as described in subsection (40.2), the 210-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18).</p>	<p><b>Time for appeal</b></p> <p>(40.4) If the approval authority states an opinion as described in subsection (40.2), the 120-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18). <b>Bill 108 Sched 12 s 3 (14).</b></p>
S. 17 (41.1)	<p><b>Notice limiting appeal period</b></p> <p>(41.1) At any time after receiving a notice of appeal under subsection (40), an approval authority may give the persons and public bodies listed in clauses (35) (a) to (d) a written notice, relating to the relevant plan and including the prescribed information; after the day that is 20 days after the day the giving of the notice is completed, no person or public body is entitled to appeal under subsection (40) with respect to the relevant plan. 2015, c. 26, s. 18 (17).</p>	<p><b>N/A</b> <b>(Subsection 17 (41.1) is repealed.) Bill 108 Sched 12 s 3 (15).</b></p>



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



	<p>notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan, or in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan,</p> <ul style="list-style-type: none"> <li>ii. the appeal is not made in good faith or is frivolous or vexatious,</li> <li>iii. the appeal is made only for the purpose of delay, or</li> <li>iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</li> </ul> <p>2. The appellant has not provided the explanations required by clause (25) (b) or (37) (b), as applicable.</p> <p>3. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.</p> <p>4. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 6 (21).</p>	<p>plan that is the subject of the appeal could be approved or refused by the Tribunal,</p> <ul style="list-style-type: none"> <li>ii. the appeal is not made in good faith or is frivolous or vexatious,</li> <li>iii. the appeal is made only for the purpose of delay, or</li> <li>iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</li> </ul> <p>2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36).</p> <p>3. The appellant intends to argue a matter mentioned in subsection (25.1) or (37.1) but has not provided the explanations required by that subsection.</p> <p>4. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>.</p> <p>5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. Bill 108 Sched 12 s 3 (18).</p>
S. 17 (46)	<p><b>Representation</b></p> <p>(46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 3 or 4 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22).</p>	<p><b>Representation</b></p> <p>(46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22). Bill 108 Sched 12 s 3 (19).</p>
S. 17 (49)	<p><b>Transfer</b></p> <p>(49) If a notice of appeal under subsection (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23).</p>	<p><b>Transfer</b></p> <p>(49) If a notice of appeal under subsection 24, 36 or (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23). Bill 108 Sched 12 s 3 (20).</p>
S. 17 (49.1) – (49.12)	<p><b>Powers of L.P.A.T. — appeals under 9ubs. (24) and (36)</b></p>	<p>N/A</p> <p>(Subsections 17 (49.1) to (49.12) are repealed.) Bill 108 Sched 12 s 3 (21).</p>

(49.1) Subject to subsections (49.3) to (49.9), after holding a hearing on an appeal under subsection (24) or (36), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 6 (24).

**Same**

(49.2) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision after holding a hearing, the Tribunal shall notify the clerk of the municipality or the approval authority and,

(a) the decision or that part of the decision that was the subject of the appeal is final; and

(b) the plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 2017, c. 23, Sched. 3, s. 6 (24).

**Refusal and notice to make new decision**

(49.3) Unless subsection (49.4), (49.7) or (49.8) applies, if the Tribunal determines that a part of a decision to which a notice of appeal under subsection (24) or (36) relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan,

(a) the Tribunal shall refuse to approve that part of the plan; and

(b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24).

**Revised plan with consent of parties**

(49.4) Unless subsection (49.8) applies, if a revised plan is presented to the Tribunal with the consent of all of the parties specified in subsection (49.11), the Tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a

provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24).

**Same, notice to make new decision**

(49.5) If subsection (49.4) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan,

- (a) the Tribunal shall refuse to approve that part of the plan; and
- (b) the Tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 6 (24).

**Rules that apply if notice is received**

(49.6) If the clerk has received notice under clause (49.3) (b) or (49.5) (b), the following rules apply:

1. The council of the municipality may prepare and adopt another plan, subject to the following:
  - i. Subsections (16) and (17.1) do not apply.
  - ii. If the plan is not exempt from approval,
    - A. the reference to "within 210 days" in subsection (40) shall be read as "within 90 days",
    - B. subsection (40.1) does not apply,
    - C. references to "210 days" and "210<sup>th</sup> day" in subsection (40.2) shall be read as "90 days" and "90<sup>th</sup> day", respectively, and
    - D. the reference to "210-day period" in subsection (40.4) shall be read as "90-day period".
2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22 (1) or (2), the references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection 22 (7.0.2) shall be read as "within 90 days after the day notice under clause (49.3) (b) or (49.5) (b) was received". 2017, c. 23, Sched. 3, s. 6 (24).

**Second appeal**

(49.7) Unless subsection (49.8) applies, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22 (11.0.12), the Tribunal may make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan, if the Tribunal determines that the decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 6 (24).

**Same, revised plan with consent of parties**

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

**Same**

(49.9) If subsection (49.8) applies and the Tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan. 2017, c. 23, Sched. 3, s. 6 (24).

**Coming into effect of plan**

	<p>(49.10) If the Tribunal approves all or part of a revised plan as an official plan or part of an official plan under subsection (49.4) or (49.8), the plan or part of the plan that is approved comes into effect as an official plan or part of an official plan on the day after the day the plan or part of the plan was approved. 2017, c. 23, Sched. 3, s. 6 (24).</p> <p><b>Specified parties</b></p> <p>(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are:</p> <ol style="list-style-type: none"> <li>1. The municipality that adopted the plan.</li> <li>2. The appropriate approval authority, if the approval authority is a party.</li> <li>3. The Minister, if the Minister is a party.</li> <li>4. If applicable, the person or public body that requested an amendment to the official plan.</li> <li>5. All appellants of the decision which was the subject of the appeal.</li> </ol> <p>2017, c. 23, Sched. 3, s. 6 (24).</p> <p><b>Effect on original plan</b></p> <p>(49.12) If subsection (49.4) or (49.8) applies, the version of the plan that was the subject of the notice of appeal shall be deemed to have been refused. 2017, c. 23, Sched. 3, s. 6 (24).</p>	
S. 17 (50)	<p><b>Powers of L.P.A.T.</b></p> <p>(50) <i>On an appeal under subsection (40) or a transfer</i>, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25).</p>	<p><b>Powers of L.P.A.T.</b></p> <p>(50) <i>On an appeal or a transfer under this section</i>, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25). <b>Bill 108 Sched 12 s 3 (22).</b></p>
S. 17 (50.1)	<p><b>Powers of L.P.A.T</b></p> <p><b>Same</b></p> <p>(50.1) For greater certainty, subsections (49.7), (49.9) and (50) do not give the Tribunal power to approve or modify any part of the plan that,</p> <p>(a) is in effect; and</p>	<p><b>Powers of L.P.A.T</b></p> <p><b>Same</b></p> <p>(50.1) For greater certainty, subsections (50) does not give the Tribunal power to approve or modify any part of the plan that,</p> <p>(a) is in effect; and</p>

	(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26).	(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26). <b>Bill 108 Sched 12 s 3 (23).</b>
S. 17 (51)	<p><b>Matters of provincial interest</b></p> <p>(51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days <b>after the day the Tribunal gives notice under subsection (44)</b> and the Minister shall identify,</p> <p>(a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and</p> <p>(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26).</p>	<p><b>Matters of provincial interest</b></p> <p>(51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days <b>before the day fixed by the Tribunal for the hearing of the appeal</b> and the Minister shall identify,</p> <p>(a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and</p> <p>(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26). <b>Bill 108 Sched 12 s 3 (24).</b></p>
S. 17 (53)	<p><b>Applicable rules if notice under subs. (51) received</b></p> <p>(53) If the Tribunal has received a notice from the Minister under subsection (51), the following rules apply:</p> <ol style="list-style-type: none"> <li>1. Subsections (49.1) to (50) do not apply to the appeal.</li> <li>2. The Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan.</li> <li>3. The decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the provisions. 2017, c. 23, Sched. 3, s. 6 (27).</li> </ol>	<p><b>Confirmation by L.G. in C.</b></p> <p>(53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. <b>Bill 108 Sched 12 s 3 (25).</b></p>
S. 22 (7.0.0.1) - (7.0.0.2)	<p><b>Basis for appeal</b></p> <p>(7.0.0.1) An appeal under subsection (7) may only be made on the basis that,</p> <p>(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a</p>	<p>N/A</p> <p>(Subsections 17 (7.0.0.1) to (7.0.0.2) are repealed.) <b>Bill 108 Sched 12 s 4 (1).</b></p>

	<p>provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and</p> <p>(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (3).</p> <p><b>Exception</b></p> <p>(7.0.0.2) Subsection (7.0.0.1) and clauses (8) (a.1) and (a.2) do not apply to an appeal under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (3).</p>	
<p>S. 22 (7.0.2)</p>	<p><b>Conditions</b></p> <p>(7.0.2) The conditions referred to in subsections (7) and (7.0.1) are:</p> <ol style="list-style-type: none"> <li>1. The council or the planning board fails to adopt the requested amendment within 210 days after the day the request is received.</li> <li>2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 210 days after the day the request is received.</li> <li>3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment.</li> <li>4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4).</li> </ol>	<p><b>Conditions</b></p> <p>(7.0.2) The conditions referred to in subsections (7) and (7.0.1) are:</p> <ol style="list-style-type: none"> <li>1. The council or the planning board fails to adopt the requested amendment within 120 days after the day the request is received.</li> <li>2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 120 days after the day the request is received.</li> <li>3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment.</li> <li>4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4).</li> </ol> <p>Bill 108 Sched 12 s 4 (2).</p>
<p>S. 22 (7.0.2.1)</p>	<p><b>Conditions</b></p> <p><b>Same</b></p> <p>(7.0.2.1) For greater certainty, a condition set out in subsection (7.0.2) is not met if the council or the planning board adopts an amendment in response to a request under subsection (1) or (2), even if the</p>	<p>N/A</p> <p>(Subsection 17 (7.0.2.1) is repealed.) Bill 108 Sched 12 s 4 (3).</p>



	<p>amendment that is adopted differs from the requested amendment. 2017, c. 23, Sched. 3, s. 8 (5).</p>	
S. 22 (8)	<p><b>Contents</b></p> <p>(8) A notice of appeal under subsection (7) shall,</p> <p>(a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment;</p> <p>(a.1) explain how the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan;</p> <p>(a.2) explain how the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan; and</p> <p>(b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81.</p>	<p><b>Contents</b></p> <p>(8) A notice of appeal under subsection (7) shall,</p> <p>(a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; <b>and</b></p> <p>(b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81. <b>Bill 108 Sched 12 s 4 (4).</b></p>
S. 22 (11) - (11.0.19)	<p><b>Hearing</b></p> <p>(11) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 3, s. 8 (7).</p> <p><b>Restriction re adding parties</b></p> <p>(11.0.1) Despite subsection (11), in the case of an appeal under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2), only the following may be added as parties:</p> <ol style="list-style-type: none"> <li>1. A person or public body who satisfies one of the conditions set out in subsection (11.0.2).</li> <li>2. The Minister.</li> </ol>	<p><b>Application</b></p> <p>(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). <b>Bill 108 Sched 12 s 4 (5).</b></p>

3. The appropriate approval authority. 2017, c. 23, Sched. 3, s. 8 (7).

**Same**  
(11.0.2) The conditions mentioned in paragraph 1 of subsection (11.0.1) are:

1. Before the requested amendment was refused, the person or public body made oral submissions at a public meeting or written submissions to the council or planning board.
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2017, c. 23, Sched. 3, s. 8 (7).

**Conflict with SPPA**  
(11.0.3) Subsections (11.0.1) and (11.0.2) apply despite the *Statutory Powers Procedure Act*. 2017, c. 23, Sched. 3, s. 8 (7).

**Dismissal without hearing**  
(11.0.4) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:

1. The Tribunal is of the opinion that the explanations required by clauses (8) (a.1) and (a.2) do not disclose both of the following:
  - i. That the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan.
  - ii. That the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.
2. The Tribunal is of the opinion that,
  - i. the appeal is not made in good faith or is frivolous or vexatious,
  - ii. the appeal is made only for the purpose of delay, or

iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

3. The appellant has not provided the explanations required by clauses (8) (a.1) and (a.2).

4. The appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017 and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.

5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 8 (7).

**Same**

(11.0.5) Despite the *Statutory Powers Procedure Act* and subsection (11), the Tribunal may, on its own initiative or on the motion of the municipality, the planning board, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council or the planning board at the time of its decision. 2017, c. 23, Sched. 3, s. 8 (7).

**Representation**

(11.0.6) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 4 or 5 of subsection (11.0.4). 2017, c. 23, Sched. 3, s. 8 (7).

**Dismissal**

(11.0.7) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (11.0.4) or (11.0.5), as it considers appropriate. 2017, c. 23, Sched. 3, s. 8 (7).

**Powers of L.P.A.T. — appeals under subs. (7)**

(11.0.8) Subject to subsections (11.0.9) to (11.0.17), after holding a hearing on an appeal under subsection (7), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 8 (7).

**Notice re opportunity to make new decision**

(11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,

(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and

(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).

**Revised amendment with consent of parties**

(11.0.10) Unless subsection (11.0.16) applies, if a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).

**Same, notice to make new decision**

(11.0.11) If subsection (11.0.10) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 8 (7).

**Rules that apply if notice received**

(11.0.12) If the clerk or secretary-treasurer has received notice under subsection (11.0.9) or (11.0.11), the following rules apply:

1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:
  - i. Subsections 17 (16) and (17.1) do not apply.
  - ii. If the amendment is not exempt from approval,
    - A. the reference to "within 210 days" in subsection 17 (40) shall be read as "within 90 days", and
    - B. subsection 17 (40.1) does not apply.
2. The references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection (7.0.2) shall be read as "within 90 days after the day notice under subsection (11.0.9) or (11.0.11) was received". 2017, c. 23, Sched. 3, s. 8 (7).

**Second appeal**

(11.0.13) Subsections (11.0.14) to (11.0.16) apply with respect to an appeal under subsection (7) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17 (49.6). 2017, c. 23, Sched. 3, s. 8 (7).

**Same**

(11.0.14) In the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), the Tribunal may approve all or part of the requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment. 2017, c. 23, Sched. 3, s. 8 (7).

**Same**

(11.0.15) Unless subsection (11.0.16) applies, in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the Tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment, if the Tribunal determines that,

(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and

(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).

**Same, revised amendment with consent of parties**

(11.0.16) If, on an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), a revised amendment is presented to the Tribunal with the consent of all of the parties specified in subsection (11.0.19), the Tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy

statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan. 2017, c. 23, Sched. 3, s. 8 (7).

**Same**

(11.0.17) If subsection (11.0.16) applies and the Tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the Tribunal may make modifications to that part of the revised amendment and approve it as modified as part of an official plan amendment or refuse to approve all or part of that part of the revised amendment. 2017, c. 23, Sched. 3, s. 8 (7).

**Coming into effect**

(11.0.18) If the Tribunal approves all or part of a revised amendment as an official plan amendment or part of an official plan amendment under subsection (11.0.10) or (11.0.16), the amendment or part of the amendment that is approved comes into effect as an official plan amendment or part of an official plan amendment on the day after the day the amendment or part of the amendment was approved. 2017, c. 23, Sched. 3, s. 8 (7).

**Specified parties**

(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:

1. The municipality or planning board that received the request for an official plan amendment.
2. The appropriate approval authority, if the approval authority is a party.
3. The Minister, if the Minister is a party.
4. The person or public body that requested an amendment to the official plan. 2017, c. 23, Sched. 3, s. 8 (7).



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

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

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

	<ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.</li> <li>3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4).</li> </ol>	<p><b>support of the objection, accompanied by the fee</b> charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.</li> <li>3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4).</li> </ol> <p><b>Bill 108 Sched 12 s 6 (4).</b></p>
<p>S. 34 (19.0.1) - (19.0.2)</p>	<p><b>Basis for appeal</b> (19.0.1) An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5).</p> <p><b>Notice of Appeal</b> (19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (5).</p>	<p><b>Same</b> (19.0.1) If the appellant intends to argue that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document.</p> <p>(Subsection 34 (19.0.2) is repealed.) <b>Bill 108 Sched 12 s 6 (5).</b></p>
<p>S. 34 (24.3) – (24.7)</p>	<p>(24.3)-(24.6) REPEALED: 2017, c. 23, Sched. 3, s. 10 (9).</p>	<p><b>New information and material at hearing</b> (24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal.</p> <p><b>Same</b> (24.4) When subsection (24.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council’s decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed.</p> <p><b>Notice to council</b></p>

		<p>(24.5) The Tribunal shall notify the council that it is being given an opportunity to,</p> <ul style="list-style-type: none"> <li>(a) reconsider its decision in light of the information and material; and</li> <li>(b) make a written recommendation to the Tribunal.</li> </ul> <p><b>Council's recommendation</b></p> <p>(24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards. Bill 108 Sched 12 s 6 (6).</p>
S. 34 (24.7)	<p><b>Conflict with SPPA</b></p> <p>(24.7) Subsections (24.1) and (24.2) apply despite the <i>Statutory Powers Procedure Act, 2006</i>, c. 23, s. 15 (12); 2017, c. 23, Sched. 3, s. 10 (10).</p>	<p><b>Conflict with SPPA</b></p> <p>(24.7) Subsections (24.1) to (24.6) apply despite the <i>Statutory Powers Procedure Act</i>. Bill 108 Sched 12 s 6 (7).</p>
S.34 (25)	<p><b>Dismissal without hearing</b></p> <p>(25) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:</p> <ul style="list-style-type: none"> <li>1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.4) do not disclose both of the following: <ul style="list-style-type: none"> <li>i. That the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan.</li> <li>ii. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</li> </ul> </li> <li>2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</li> </ul>	<p><b>Dismissal without hearing</b></p> <p>(25) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:</p> <ul style="list-style-type: none"> <li>1. The Tribunal is of the opinion that, <ul style="list-style-type: none"> <li>i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,</li> <li>ii. the appeal is not made in good faith or is frivolous or vexatious,</li> <li>iii. the appeal is made only for the purpose of delay, or</li> <li>iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</li> </ul> </li> <li>2. The appellant has not provided written reasons for the appeal.</li> <li>3. The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection.</li> <li>4. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>.</li> </ul>

	<p>3. The Tribunal is of the opinion that,</p> <ul style="list-style-type: none"> <li>i. the appeal is not made in good faith or is frivolous or vexatious,</li> <li>ii. the appeal is made only for the purpose of delay, or</li> <li>iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</li> </ul> <p>4. The appellant has not provided the explanation required by subsection (11.0.0.4) or (19.0.2), as applicable.</p> <p>5. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.</p> <p>6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 3, s. 10 (11).</p>	<p>5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. Bill 108 Sched 12 s 6 (8).</p>
<p>S. 34 (25.1)</p>	<p><b>Representation</b>  (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under <a href="#">paragraph 5 or 6</a> of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12).</p>	<p><b>Representation</b>  (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under <a href="#">paragraph 5</a> of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12). <b>Bill 108 Sched 12 s 6 (9).</b></p>
<p>S. 34 (26) - (16.13)</p>	<p><b>Powers of L.P.A.T.</b>  (26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall dismiss the appeal. 2017, c. 23, Sched. 3, s. 10 (14).  <b>Notice re opportunity to make new decision — appeal under subs. (11)</b>  (26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,  (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a</p>	<p><b>Powers of L.P.A.T.</b>  (26) The Tribunal may,  (a) on an appeal under subsection (11) or (19), dismiss the appeal;  (b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or  (c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order. <b>Bill 108 Sched 12 s 6 (10).</b></p>



policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and

(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14).

**Same — appeal under subs. (19)**

(26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by-law to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan,

(a) the Tribunal shall repeal that part of the by-law; and

(b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14).

**Powers of L.P.A.T. — Draft by-law with consent of parties**

(26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).

**Notice to make new decision**

(26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to



make a new decision in respect of the matter. 2017, c. 23, Sched. 3, s. 10 (14).

**Rules that apply if notice received**

(26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:

1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply.

2. The reference to “within 150 days after the receipt by the clerk of the application” in subsection (11) shall be read as “within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received”. 2017, c. 23, Sched. 3, s. 10 (14).

**Second appeal, subs. (11) — failure to make decision**

(26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the bylaw in accordance with the Tribunal’s order. 2017, c. 23, Sched. 3, s. 10 (14).

**Second appeal, subs. (11) — refusal**

(26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order if the Tribunal determines that,

(a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and

(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans. 2017, c. 23, Sched. 3, s. 10 (14).

**Second appeal — subs. (19)**  
(26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal's order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).

**Draft by-law with consent of the parties**  
(26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan. 2017, c. 23, Sched. 3, s. 10 (14).

**Same**  
(26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order. 2017, c. 23, Sched. 3, s. 10 (14).

	<p><b>Specified parties</b>  (26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:</p> <ol style="list-style-type: none"> <li>1. The municipality.</li> <li>2. The Minister, if the Minister is a party.</li> <li>3. If applicable, the applicant.</li> <li>4. If applicable, all appellants of the decision which was the subject of the appeal. 2017, c. 23, Sched. 3, s. 10 (14).</li> </ol> <p><b>Effect on original by-law</b>  (26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed. 2017, c. 23, Sched. 3, s. 10 (14).</p> <p><b>Non-application of s. 24 (4)</b>  (26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4). 2017, c. 23, Sched. 3, s. 10 (14).</p>	
S. 34 (27)	<p><b>Matters of provincial interest</b>  (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days <b>after the day the Tribunal gives notice under subsection (24)</b> and the Minister shall identify,</p> <ol style="list-style-type: none"> <li>(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and</li> <li>(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15).</li> </ol>	<p><b>Matters of provincial interest</b>  (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days <b>before the day fixed by the Tribunal for the hearing of the appeal</b> and the Minister shall identify,</p> <ol style="list-style-type: none"> <li>(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and</li> <li>(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15). <b>Bill 108 Sched 12 s 6 (11).</b></li> </ol>
S. 34 (29)	<p><b>Applicable rules if notice under subs. (27) received</b>  (29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules apply:</p> <ol style="list-style-type: none"> <li>1. Subsections (26) to (26.12) do not apply to the appeal.</li> </ol>	<p><b>No order to be made</b>  (29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the bylaw, the Tribunal</p>

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

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

provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.

**Special account**

(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27.

**Investments**

(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27.

**Treasurer's statement**

(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27.

**Requirements**

(8) The statement shall include, for the preceding year,  
(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;  
(b) statements identifying,  
(i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,  
(ii) details of the amounts spent, and  
(iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and  
I any other information that is prescribed. 2015, c. 26, s. 27.

**Copy to Minister**

(9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27.

**Statement available to public**

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;

(b) the approval of a minor variance under section 45;  
I a conveyance of land to which a by-law passed under subsection 50 (7) applies;

(d) the approval of a plan of subdivision under section 51;  
I a consent under section 53;

(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

**Excluded development or redevelopment**

(4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed.

**Excluded facilities, services and matters**

(5) A community benefits charge may not be imposed with respect to the following:

1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997*.

2. Such other facilities, services or matters as are prescribed.

**In-kind contributions**

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

**Notice of value of in-kind contributions**

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

**Deduction of value of in-kind contributions**

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.



(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.

**Community benefits charge strategy**

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

(a) identifies the facilities, services and matters that will be funded with community benefits charges; and

(b) complies with any prescribed requirements.

**Consultation**

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

**Limitation**

(11) Only one community benefits charge by-law passed by the council of a given municipality may be in effect at a time.

**Maximum amount of community benefits charge**

(12) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

**Payment under protest and appraisal provided by owner**

(13) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (12), the owner shall,

(a) pay the charge under protest; and

(b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

**No appraisal under cl. (13) (b)**

(14) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (13) (b), the payment is deemed not to have been made under protest.

**Appraisal provided by the municipality**

(15) If the municipality disputes the value of the land identified in the appraisal referred to in clause (13) (b), the municipality shall, within the



		<p>prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.</p> <p><b>No appraisal under subs. (15)</b> (16) If the municipality does not provide an appraisal in accordance with subsection (15), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b).</p> <p><b>Appraisal under subs. (15) within 5%</b> (17) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b) or subsection (15), whichever identifies the higher value of the land.</p> <p><b>Appraisal under subs. (15) not within 5%</b> (18) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (22) prepare an appraisal of the value of the land as of the valuation date.</p> <p><b>Time period for appraisal referred to in subs. (18)</b> (19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period.</p> <p><b>Appraisal under subs. (18)</b> (20) If an appraisal is prepared in accordance with subsection (18), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the</p>
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		<p>municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in subsection (18).</p> <p><b>Non-application of 38subs. (16), (17) and (20)</b> (21) For greater certainty, a refund is not required under subsection (16), (17) or (20) if the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the applicable appraisal is greater than the amount of the community benefits charge imposed by the municipality.</p> <p><b>List of appraisers</b> (22) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who, (a) are not employees of the municipality or members of its council; and (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18).</p> <p><b>Same</b> (23) A municipality shall maintain the list referred to in subsection (22) until the later of, (a) the day on which the community benefits charge by-law is repealed; and (b) the day on which there is no longer any refund that is or could be required to be made under subsection (20).</p> <p><b>No building without payment</b> (24) No person shall construct a building on the land proposed for development or redevelopment unless, (a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and (b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.</p> <p><b>Special account</b></p>
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		<p>(25) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.</p> <p><b>Investments</b></p> <p>(26) The money in the special account may be invested in securities in which the municipality is permitted to invest under the <i>Municipal Act, 2001</i> or the <i>City of Toronto Act, 2006</i>, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.</p> <p><b>Requirement to spend or allocate monies in special account</b></p> <p>(27) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.</p> <p><b>Reports and information</b></p> <p>(28) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.</p> <p><b>Application of subs. (30)</b></p> <p>(29) Subsection (30) applies with respect to the following:</p> <ol style="list-style-type: none"><li>1. A special account established in accordance with subsection 37 (5), as it read on the day before the day section 9 of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force.</li><li>2. A reserve fund established in accordance with section 33 of the <i>Development Charges Act, 1997</i> before the day section 2 of Schedule 3 to the <i>More Homes, More Choice Act, 2019</i> comes into force in respect of any of the services described in subsection 9.1 (3) of the <i>Development Charges Act, 1997</i>.</li></ol> <p><b>Transition respecting special account and reserve fund described in subs. (29)</b></p> <p>(30) The following rules apply with respect to a special account or reserve fund described in subsection (29):</p> <ol style="list-style-type: none"><li>1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it</li></ol>
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		<p>passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (25).</p> <p>2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.</p> <p>3. Despite paragraph 2, subsection 417 (4) of the <i>Municipal Act, 2001</i> and any equivalent provision of, or made under, the <i>City of Toronto Act, 2006</i> do not apply with respect to the general capital reserve fund referred to in paragraph 2.</p> <p>4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (25).</p> <p><b>Credit under s. 38 of <i>Development Charges Act, 1997</i></b>  (31) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the <i>Development Charges Act, 1997</i> that was held as of the day before the day the by-law is passed and that relates to any of the services described in subsection 9.1 (3) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law. Bill 108 Sched 12 s 9.</p>
S. 37.1	N/A	<p><b>Transitional matters respecting repealed s. 37, etc.</b></p> <p><b>Definitions</b></p> <p><b>37.1</b> (1) In this section,  “by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”) “effective date” means the day section 9 of Schedule 12</p>

to the *More Homes, More Choice Act, 2019* comes into force. (“date d’effet”)

**Continued application of repealed 41ubs. 37 (1) to (5)**

(2) Despite their repeal by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).

**By-law described in repealed subs. 37 (1)**

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).
3. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the lands that are the subject of the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the lands on the day before the applicable date described in subsection (5) of this section, regardless of whether the development charge by-law has expired or been repealed.
4. For the purposes of paragraph 3, the following rules apply:

		<p>i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection (5),</p> <p>ii. despite section 34 of the <i>Development Charges Act, 1997</i>, if paragraph 3 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.</p> <p>5. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.</p> <p>6. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is subject to any by-law under section 42, as it read on the day before the day subsection 12 (3) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, that applied to the lands on the day before the effective date, regardless of whether the by-law has been repealed.</p> <p>7. For the purposes of paragraph 6, the reference to a by-law under section 42 is a reference to the by-law, as it read on the day before the effective date.</p> <p><b>Non-application of subs. (3)</b></p> <p>(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,</p> <p>(a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or</p> <p>(b) is repealed.</p> <p><b>Applicable date</b></p> <p>(5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of,</p> <p>(a) the day the municipality passes a by-law under section 37; and</p> <p>(b) the date prescribed under the <i>Development Charges Act, 1997</i> for the purposes of section 9.1 of that Act. Bill 108 Sched 12 s 10.</p>
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S. 38 (5)	<p><b>Application</b></p> <p>(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26), as they read on the day before subsection 12 (2) of Schedule 3 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force, apply with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2).</p>	<p><b>Application</b></p> <p>(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2). <b>Bill 108 Sched 12 s 11.</b></p>
S. 42 (0.1)	<p><b>Conveyance of land for park purposes Definitions</b></p> <p>(0.1) In this section, “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”) “effective date” means the day subsection 28 (1) of the Smart Growth for Our Communities Act, 2015 comes into force. (“date d’effet”) 2015, c. 26, s. 28 (1).</p>	<p>N/A</p> <p>(Subsection 42 (0.1) is repealed.) <b>Bill 108 Sched 12 s 12 (1).</b></p>
S. 42 (2)	<p>(2) <b>REPEALED:</b> 2015, c. 26, s. 28 (2).</p>	<p><b>Community benefits charge by-law</b></p> <p>(2) Subject to paragraph 6 of subsection 37.1 (3), a by-law under subsection (1) is of no force and effect if a community benefits charge by-law under section 37 passed by the council of the local municipality is in force. <b>Bill 108 Sched 12 s 12 (2).</b></p>
S. 42 (3) - (4.3), (6.0.1) - (6.0.3)	<p><b>Alternative requirement</b></p> <p>(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).</p> <p><b>Official plan requirement</b></p> <p>(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public</p>	<p>N/A</p> <p>(Subsection 42 (3) to (4.3) and (6.0.1) to (6.0.3) are repealed.) <b>Bill 108 Sched 12 s 12 (3).</b></p>



recreational purposes and the use of the alternative requirement. R.S.O. 1990, c. P.13, s. 42 (4).

**Parks plan**

(4.1) Before adopting the official plan policies described in subsection (4), the local municipality shall prepare and make available to the public a parks plan that examines the need for parkland in the municipality.

2015, c. 26, s. 28 (3).

**Same**

(4.2) In preparing the parks plan, the municipality,

(a) shall consult with every school board that has jurisdiction in the municipality; and

(b) may consult with any other persons or public bodies that the municipality considers appropriate. 2015, c. 26, s. 28 (3).

**Same**

(4.3) For greater certainty, subsection (4.1) and clause (4.2) (a) do not apply with respect to official plan policies adopted before the effective date. 2015, c. 26, s. 28 (3). Bill 108 Sched 12 s 12 (3)

**Payment in lieu**

**Same**

(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4).

**Deemed amendment of by-law**

(6.0.2) If a by-law passed under this section requires a payment in lieu that exceeds the amount calculated under subsection

(6.0.1), in circumstances where the alternative requirement set out in subsection (3) applies, the by-law is deemed to be amended to be consistent with subsection (6.0.1). 2015, c. 26, s. 28 (4).

**Transition**

(6.0.3) If, on or before the effective date, in circumstances where the alternative requirement set out in subsection (3) applies, a payment in

	lieu has been made or arrangements for a payment in lieu that are satisfactory to the council have been made, subsections (6.0.1) and (6.0.2) do not apply. 2015, c. 26, s. 28 (4). Bill 108 Sched 12 s 12 (3)	
S. 42 (6.1)	<p><b>No building without payment</b></p> <p>(6.1) If a payment is required under subsection (6) or (6.0.1), no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5).</p>	<p><b>No building without payment</b></p> <p>(6.1) If a payment is required under subsection (6), no person shall construct a building on the land proposed for development or redevelopment unless the payment has been made or arrangements for the payment that are satisfactory to the council have been made. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (5). Bill 108 Sched 12 s 12 (4).</p>
S. 42 (6.2)	<p><b>Redevelopment, reduction of payment</b></p> <p>(6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) or (6.0.1) by the value of that part. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6).</p>	<p><b>Redevelopment, reduction of payment</b></p> <p>(6.2) If land in a local municipality is proposed for redevelopment, a part of the land meets sustainability criteria set out in the official plan and the conditions set out in subsection (6.3) are met, the council shall reduce the amount of any payment required under subsection (6) by the value of that part. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (6). Bill 108 Sched 12 s 12 (5).</p>
S. 42 (6.3)	<p><b>Redevelopment, reduction of payment</b></p> <p><b>Same</b></p> <p>(6.3) The conditions mentioned in subsection (6.2) are:</p> <ol style="list-style-type: none"> <li>1. The official plan contains policies relating to the reduction of payments required under subsection (6) or (6.0.1).</li> <li>2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7).</li> </ol>	<p><b>Redevelopment, reduction of payment</b></p> <p><b>Same</b></p> <p>(6.3) The conditions mentioned in subsection (6.2) are:</p> <ol style="list-style-type: none"> <li>1. The official plan contains policies relating to the reduction of payments required under subsection (6).</li> <li>2. No land is available to be conveyed for park or other public recreational purposes under this section. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (7). Bill 108 Sched 12 s 12 (6).</li> </ol>
S. 42 (6.4)	<p><b>Determination of value</b></p> <p>(6.4) For the purposes of subsections (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8).</p>	<p><b>Determination of value</b></p> <p>(6.4) For the purposes of subsections (6) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8). Bill 108 Sched 12 s 12 (7).</p>
S. 42 (15)	<b>Special account</b>	<b>Special account</b>

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

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

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

	<p>accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81.</p>	<p>accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 1994, c. 23, s. 30; 1996, c. 4, s. 28 (6); 2004, c. 18, s. 8; 2017, c. 23, Sched. 5, ss. 80, 81. <b>Bill 108 Sched 12 s 14 (2).</b></p>
S. 51 (39)	<p><b>Appeal</b>  (39) Subject to subsection (43), not later than 20 days after the day that the giving of notice under subsection (37) is completed, any of the following may appeal the decision, the lapsing provision or any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A <b>person or public body who</b>, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</li> <li>3. The Minister.</li> <li>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</li> <li>5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (8); 2017, c. 23, Sched. 5, ss. 80, 81.</li> </ol>	<p><b>Appeal</b>  (39) Subject to subsection (43), not later than 20 days after the day that the giving of notice under subsection (37) is completed, any of the following may appeal the decision, the lapsing provision or any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A <b>public body that</b>, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</li> <li>2.1 <b>A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</b></li> <li>3. The Minister.</li> <li>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</li> <li>5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (8); 2017, c. 23, Sched. 5, ss. 80, 81. <b>Bill 108 Sched 12 s 14 (3), (4).</b></li> </ol>
S. 51 (43)	<p><b>Appeal</b>  (43) <b>At any time before the approval of the final plan of subdivision under subsection (58), any of the following may appeal any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</b></p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A <b>public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</b></li> </ol>	<p><b>Appeal</b>  (43) At any time before the approval of the final plan of subdivision under subsection (58), any of the following may appeal any of the conditions to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</li> </ol>



	<p>3. The Minister.</p> <p>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</p> <p>5. If the land is not located in a municipality or in the planning area of a planning board, any public body. 2006, c. 23, s. 22 (9); 2017, c. 23, Sched. 5, ss. 80, 81.</p>	<p>2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.</p> <p>3. The Minister.</p> <p>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</p> <p>5. If the land is not located in a municipality or in the planning area of a planning board, any public body. 2006, c. 23, s. 22 (9); 2017, c. 23, Sched. 5, ss. 80, 81. <b>Bill 108 Sched 12 s 14 (5).</b></p>
S. 51 (48)	<p><b>Appeal</b></p> <p>(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A person or public body who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.</li> <li>3. The Minister.</li> <li>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</li> <li>5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (10); 2017, c. 23, Sched. 5, ss. 80, 81.</li> </ol>	<p><b>Appeal</b></p> <p>(48) Any of the following may appeal any of the changed conditions imposed by the approval authority to the Tribunal by filing with the approval authority a notice of appeal that must set out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:</p> <ol style="list-style-type: none"> <li>1. The applicant.</li> <li>2. A public body that, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.</li> <li>2.1. A person listed in subsection (48.3) who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.</li> <li>3. The Minister.</li> <li>4. The municipality in which the land is located or the planning board in whose planning area the land is located.</li> <li>5. If the land is not located in a municipality or in the planning area of a planning board, any person or public body. 2006, c. 23, s. 22 (10); 2017, c. 23, Sched. 5, ss. 80, 81. <b>Bill 108 Sched 12 s 14 (6), (7).</b></li> </ol>
S. 51 (48.3)	N/A	<b>Persons referred to in para. 2.1 of subs. (39), etc.</b>



		<p>(48.3) The following are listed for the purposes of paragraph 2.1 of subsection (39), paragraph 2.1 of subsection (43) and paragraph 2.1 of subsection (48):</p> <ol style="list-style-type: none"> <li>1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.</li> <li>2. Ontario Power Generation Inc.</li> <li>3. Hydro One Inc.</li> <li>4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.</li> <li>5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.</li> <li>6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.</li> <li>7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.</li> <li>8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply. Bill 108 Sched 12 s 14 (8).</li> </ol>
<p>S. 51 (52.4)</p>	<p><b>New evidence at hearing</b> <b>Same</b> (52.4) If subsection (52.3) applies and if the approval authority so requests, the Tribunal shall not admit the information and material into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed. 2017, c. 23, Sched. 3, s. 16.</p>	<p><b>New evidence at hearing</b> <b>Same</b> (52.4) When subsection (52.3) applies, the Tribunal may, on its own initiative or on a motion by the approval authority or any party, consider whether the information and material could have materially affected the approval authority's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection</p>

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

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

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

		<p>(7) If the draft plan of subdivision is approved before the effective date and the approval authority has imposed a condition under subsection (1), the following rules apply with respect to the land within the draft plan of subdivision:</p> <ol style="list-style-type: none"><li>1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, continues to apply with respect to the land.</li><li>2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the <i>More Homes, More Choice Act, 2019</i> comes into force, applies with respect to the land.</li><li>3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land.</li><li>4. Subsection 37 (5), as it read on the day before the effective date, applies with respect to the land, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).</li><li>5. Despite subsections 2 (4) and 9 (1) of the <i>Development Charges Act, 1997</i>, the development or redevelopment of the land is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the land on the day before the applicable date described in subsection 37.1 (5) of this Act, regardless of whether the development charge by-law has expired or been repealed.</li><li>6. For the purposes of paragraph 5, the following rules apply:<ol style="list-style-type: none"><li>i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection 37.1 (5),</li><li>ii. despite section 34 of the <i>Development Charges Act, 1997</i>, if paragraph 5 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.</li></ol></li></ol>
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		7. The development or redevelopment of the land is not subject to a community benefits charge by-law under section 37. Bill 108 Sched 12 s 15 (7).
S. 53 (7.1)	<p><b>Responsibilities</b></p> <p>(7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that,</p> <p>(a) the notice is given in accordance with the regulation made under clause (5) (a); and</p> <p>(b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given. 1996, c. 4, s. 29 (1).</p>	<p><b>Responsibilities</b></p> <p>(7.1) A local municipality or planning board that is requested under subsection (6) or (7) to give notice shall ensure that,</p> <p>(a) the notice is given in accordance with clause (5) (a); and</p> <p>(b) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the notice is given. 1996, c. 4, s. 29 (1). Bill 108 Sched 12 s 16 (1).</p>
S. 53 (7.2)	<p><b>Responsibilities</b></p> <p><b>Same</b></p> <p>(7.2) A local municipality or planning board that is requested under subsection (6) or (7) to hold a public meeting shall ensure that,</p> <p>(a) notice of the meeting is given in accordance with the regulation made under clause (5) (b);</p> <p>(b) the public meeting is held; and</p> <p>(c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held. 1996, c. 4, s. 29 (1).</p>	<p><b>Responsibilities</b></p> <p><b>Same</b></p> <p>(7.2) A local municipality or planning board that is requested under subsection (6) or (7) to hold a public meeting shall ensure that,</p> <p>(a) notice of the meeting is given in accordance with clause (5) (b);</p> <p>(b) the public meeting is held; and</p> <p>(c) the prescribed information and material are submitted to the council or the Minister, as the case may be, within 15 days after the meeting is held. 1996, c. 4, s. 29 (1). Bill 108 Sched 12 s 16 (2).</p>
S. 53 (31)	<p><b>Dismissal without hearing</b></p> <p>(31) Despite the <i>Statutory Powers Procedure Act</i> and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if,</p> <p>(a) it is of the opinion that,</p> <p>(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it,</p> <p>(ii) the appeal is not made in good faith or is frivolous or vexatious,</p> <p>(iii) the appeal is made only for the purpose of delay, or</p>	<p><b>Dismissal without hearing</b></p> <p>(31) Despite the <i>Statutory Powers Procedure Act</i> and subsection (30), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if,</p> <p>(a) it is of the opinion that,</p> <p>(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it,</p> <p>(ii) the appeal is not made in good faith or is frivolous or vexatious,</p> <p>(iii) the appeal is made only for the purpose of delay, or</p>

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



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

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

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

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

