

Ontario Announces Proposed Changes to the OMB and the Results of the Coordinated Review of Four Provincial Land Use Plans

May 18, 2017

By Denise Baker

Over the past few days there have been a series of announcements from the province of Ontario regarding the introduction of legislation related to reforms of the Ontario Municipal Board (OMB), and the results of a coordinated review of the Growth Plan for the Greater Golden Horseshoe (GGH), the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. Please find details about both of these announcements below. Please stay tuned for additional updates on both of these announcements.

Co-ordinated Land Use Planning Review

On May 18, 2017, Ontario released the updates to the four land use plans, being the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. According to the Ministry of Municipal Affairs and Housing, the four plans are intended to work together to:

- Build compact, complete communities with a diverse range of housing options that better connect transit to where people live and work
- Retain and attract jobs
- Support a thriving and productive agri-food sector
- Strengthen protections for our natural heritage and water resource systems and reduce greenhouse gas emissions
- Provide public open spaces for recreation and enjoyment
- Help municipalities better prepare to minimize the negative impacts from a changing climate, such as more frequent and intense storms and flooding.

[Please click here for additional information.](#)

The Niagara Escarpment Plan (2017) will come into effect on June 1, 2017. The Growth Plan for the Greater Golden Horseshoe (2017), the Greenbelt Plan (2017), the Greenbelt Boundary Regulation and the Oak Ridges Moraine Conservation Plan (2017) will come into effect on July 1, 2017.

Once in effect, all decisions on planning matters must conform or not conflict with the four plans. Municipalities are expected to review and update their official plans to conform with the updated plans. Upper- and single-tier municipalities' conformity work is to be completed by 2022.

Ontario's Proposed Changes to the Land Use Planning Appeal System

On May 16, 2017, the province announced that it will introduce legislation related to reforms of the OMB in the coming weeks. A backgrounder including materials and additional details titled [Ontario's Proposed Changes to the Land Use Planning Appeal System](#) was prepared by the province for review.

A summary of the proposed changes that have been announced are as follows:

- Establish a Local Planning Appeal Tribunal to replace the OMB which is proposed to do the following:
 - Give consideration to local decisions by eliminating de novo hearings
 - The tribunal would only be able to overturn a municipal decision if it does not follow provincial policies or municipal plans. However, if it is determined that municipal decision does not conform to, or is not consistent with Provincial Policy or local Official Plans, the tribunal would be required to return the matter to the municipality with written reasons when it overturns a decision, instead of replacing the municipality's decision with its own. The municipality would be provided with 90 days to make a new decision on an application under the proposed new law. The tribunal would retain the authority to make a final decision on these matters only when, on a second appeal, the municipality's subsequent decision still fails to follow provincial policies or municipal plans.
 - Mandatory case management to try to avoid hearings at the outset, through the use of alternative dispute resolution (ADR)
 - Limited examination or cross examination, to focus on predominantly paper based hearings
 - Strict presumptive timelines for hearings
 - Free legal advice and representation to residents on land use planning appeals
 - No appeals to provincial approval of official plans/updates, including approvals of conformity exercises to provincial plans
 - Local Appeal Body would be permitted to hear site plan appeals, as well as minor variances and consents
 - Applications to amend secondary plans would not be permitted for a period of two years
 - Limit appeals to Interim Control By-law (ICB)
 - Allow municipalities to limit appeals around protected major transit station areas

If you have any questions and/or concerns about these proposed changes, please contact [Denise Baker](#), Partner, WeirFoulds.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular applications of the law to specific situations, the reader should seek professional advice.

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