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### ONTARIO PLANNING PRACTICE

WeirFoulds LLP

Release No. 5, December 2023

#### What's New in this Update:

This release features updates to Chapter 1 (Planning Act). The Issues in Focus and Legislatively Defined Terms have also been updated.

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## Highlights

- **Legislatively Defined Terms**—“Local board” means a local board as defined in section 1 of the *Municipal Affairs Act* other than a board as defined in subsection 1 (1) of the *Education Act. Development Charges Act, 1997*, S.O. 1997, c. 27, s. 1.
- **Planning Act—General—§ 1:2 [Section 1 Interpretation]**—The definition of “area of employment” in subsection 1(1) is repealed by 2023, c. 10, Sched. 6, s. 1(1) (to come into force on proclamation) and the following substituted: “area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria: 1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following: i. Manufacturing uses. ii. Uses related to research and development in connection with manufacturing anything. iii. Warehousing uses, including uses related to the movement of goods. iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii. v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv. vi. Any other prescribed business and economic uses. 2. The uses are not any of the following uses: i. Institutional uses. ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv;
- **Planning Act—Part V Land Use Controls and Related Administration—§ 1:51 [Section 34 Zoning by-laws]—**(10.12) Refund of fee—With respect to an application received on or after July 1, 2023, with the exception of an application referred to in subsection (10.14), the municipality shall refund any fees paid pursuant to section 69 in respect of the application.
- **Planning Act—Part V Land Use Controls and Related Administration—§ 1:71. [Section 49.1 Search warrant]—**49.2 Minister’s order re agreements (1) If the Minister has directed the Provincial Land and Development Facilitator or a Deputy Facilitator appointed under subsection 12(2) of the *Ministry of Municipal Affairs and Housing Act* to advise, make recommendations or perform any other functions with respect to land, the Minister may, by order, require the owner of the land to enter into one or more agreements with the Minister or with a municipality addressing any matters that the Minister considers necessary for the appropriate development of the land. 2023, c. 10, Sched. 6, s. 12. (2) Notice to municipality—If the Minister requires the owner of the land to enter into an agreement with a municipality, the Minister shall inform the municipality in writing of the matters that

the agreement must address. 2023, c. 10, Sched. 6, s. 12. (3) Restrictions on use of land—Until the owner has entered into all agreements required by the order, no person shall, except as permitted by the order, (a) use the land other than for a purpose for which the land was lawfully used on the day the order was made; (b) erect or locate any building or structure on the land, other than a building or structure for which a permit has been issued under section 8 of the *Building Code Act, 1992* on or before the day the order was made and has not been revoked under subsection 8(10) of that Act; (c) use any buildings or structures on the land not referred to in clause (b) other than for a purpose for which the building or structure was lawfully used on the day the order was made; or (d) place or dump fill on the land, remove topsoil from the land, alter the grade of the land or destroy or injure trees on the land except if failing to do so would result in, (i) danger to the health or safety of any person, (ii) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it, or (iii) injury or damage or serious risk of injury or damage to any property or to any plant or animal life. 2023, c. 10, Sched. 6, s. 12. (4) Effect of order—An agreement required under subsection (1) may require the owner of the land to provide anything or pay for anything in excess of what the owner is required to provide or pay for under this Act, the *Development Charges Act, 1997* or any other Act. 2023, c. 10, Sched. 6, s. 12. (5) Same—An agreement required under subsection (1) may be registered against the land to which it applies and the Minister or the municipality, as the case may be, is entitled to enforce the provisions of that agreement against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, against any subsequent owners. (6) Non-application of *Legislation Act, 2006*, Part III—Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2023, c. 10, Sched. 6, s. 12.

Any suggestions, corrections or concerns from readers are appreciated and can be sent to the editor, Bruce Engell at [bengell@weirfoulds.com](mailto:bengell@weirfoulds.com) or Raj Kehar at [rkehar@weirfoulds.com](mailto:rkehar@weirfoulds.com).

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