

1980

# c 316 Niagara Escarpment Planning and Development Act

Ontario

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## Bibliographic Citation

*Niagara Escarpment Planning and Development Act*, RSO 1980, c 316

## Repository Citation

Ontario (1980) "c 316 Niagara Escarpment Planning and Development Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 5, Article 21.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss5/21>

## CHAPTER 316

Niagara Escarpment Planning  
and Development Act

## 1. In this Act,

Interpre-  
tation

- (a) "Commission" means the Niagara Escarpment Commission;
- (b) "development" includes a change in the use of any land, building or structure;
- (c) "local plan" means an official plan approved by the Minister of Housing or by the Ontario Municipal Board under the *Planning Act*;
- (d) "Minister" means the Provincial Secretary for Resources Development;
- (e) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (f) "Niagara Escarpment Plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering the Niagara Escarpment Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental and physical condition of the Area, and consisting of the texts and maps describing the program and policy;
- (g) "Niagara Escarpment Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (h) "zoning by-law" means a by-law passed under section 39 of the *Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board. 1973, c. 52, s. 1; 1975, c. 68, s. 1; 1976, c. 35, s. 1.

R.S.O. 1980,  
c. 379

2. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. 1973, c. 52, s. 2.

Purpose  
of Act

Establishment of Niagara Escarpment Planning Area

**3.**—(1) The Minister may, by order, establish as the Niagara Escarpment Planning Area the area of land in Ontario defined in the order and the Minister may alter the boundaries of the Planning Area by amendment to the order. 1973, c. 52, s. 3 (1); 1974, c. 52, s. 1 (1).

Direction by Minister to prepare Niagara Escarpment Plan

(2) Where the Niagara Escarpment Planning Area has been established under subsection (1), the Minister shall include in the order a direction to the Commission that it carry out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a plan suitable for approval as the Niagara Escarpment Plan. 1973, c. 52, s. 3 (2).

Order or amending order to be laid before Assembly

(3) Where any order or amendment thereto is made under subsection (1), the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied. 1974, c. 52, s. 1 (2).

Advisory committees

**4.** The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the Niagara Escarpment Planning Area in whole or in part and one of which will be broadly representative of the people of the Planning Area, to advise and make recommendations to the Minister, through the Commission, in respect of the preparation and implementation of the Niagara Escarpment Plan and to perform any other function given to them by the Minister. 1973, c. 52, s. 4.

Niagara Escarpment Commission continued

**5.**—(1) The commission known as the Niagara Escarpment Commission is continued and shall be composed of seventeen members appointed by the Lieutenant Governor in Council as follows:

1. Nine members shall be appointed as representative of the public at large.
2. Of the eight remaining members, one shall be appointed from a list containing the names of not less than three persons submitted by the county council or regional council, as the case may be, of each county and regional municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area.

(2) Each member of the Commission shall hold office for such period of time as the Lieutenant Governor in Council determines. Term of office

(3) No person is eligible to be included in a list of persons submitted under paragraph 2 of subsection (1) unless he is a member or employee of the council of a municipality whose jurisdiction includes a part of the Niagara Escarpment Planning Area. Eligibility

(4) The Commission shall be deemed to be established when a majority of the number of members has been appointed, and it may then proceed to carry out the functions conferred upon it under this Act, notwithstanding the remaining number of members has not been appointed. 1973, c. 52, s. 5 (1-4). When Commission deemed established

(5) The Lieutenant Governor in Council may designate one of the members appointed under paragraph 1 of subsection (1) to be chairman of the Commission and may designate the chairman as an employee and the Commission as an employer for the purpose of the *Ontario Municipal Employees Retirement System Act*. 1973, c. 52, s. 5 (5); 1976, c. 35, s. 2 (1). Chairman  
R.S.O. 1980,  
c. 348

(6) Nine members of the Commission constitute a quorum. Quorum

(7) Members of the Commission shall receive such salary and other remuneration as the Lieutenant Governor in Council from time to time determines. Remuneration

(8) Such officers, clerks and servants as are considered necessary from time to time for the purposes of the Commission may be appointed under the *Public Service Act*. Staff  
R.S.O. 1980,  
c. 418

(9) Subject to the approval of the Minister, the Commission may engage persons to provide professional, technical or other assistance to the Commission. Professional assistance

(10) In the performance of its functions, the Commission may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose. 1973, c. 52, s. 5 (6-10). Seconding of staff to Commission

(11) The Commission is a body corporate without share capital. Commission is body corporate

(12) The *Corporations Act* does not apply to the Commission. 1976, c. 35, s. 2 (2). R.S.O. 1980,  
c. 95  
not to apply

**6.** All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out by the Commission of its functions, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, shall be paid out of the moneys appropriated therefor by the Legislature. 1973, c. 52, s. 6. Moneys

Consultation  
during  
preparation  
of plan

**7.** During the course of the preparation of the Niagara Escarpment Plan, the Commission shall consult with the minister, provincial secretary or other person having charge of any affected ministry and with the council of each municipality within or partly within the Niagara Escarpment Planning Area, with respect to the proposed contents of the Plan. 1973, c. 52, s. 7.

Objectives

**8.** In preparing the Niagara Escarpment Plan, the objectives to be sought by the Commission in the Niagara Escarpment Planning Area shall be,

- (a) to protect unique ecologic and historic areas;
- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by the *Planning Act*. 1973, c. 52, s. 8.

R.S.O. 1980,  
c. 379

Contents of  
Plan

**9.** The Niagara Escarpment Plan may contain,

- (a) policies for the economic, social and physical development of the Niagara Escarpment Planning Area in respect of,
  - (i) the management of land and water resources,
  - (ii) the general distribution and density of population,
  - (iii) the general location of industry and commerce, the identification of major land use areas and

the provision of major parks and open space and the policies in regard to the acquisition of lands,

- (iv) the control of all forms of pollution of the natural environment,
  - (v) the general location and development of major servicing, communication and transportation systems,
  - (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
  - (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
  - (c) policies to co-ordinate the planning and development programs of the various ministries for the Niagara Escarpment Planning Area;
  - (d) policies to co-ordinate planning and development among municipalities within the Niagara Escarpment Planning Area;
  - (e) policies designed to ensure compatibility of development by the private sector; and
  - (f) such other policies as are, in the opinion of the Minister, advisable for the implementation of the Plan,

and shall contain such programs and policies as each minister, provincial secretary or other person having charge of a ministry desires to be incorporated in the Plan, in so far as the Commission considers it practicable. 1973, c. 52, s. 9.

**10.**—(1) During the course of preparation of the Niagara Escarpment Plan, the Commission shall, <sup>Preparation of Plan</sup>

- (a) furnish each local municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed Plan and invite each such municipality to make comments thereon to the council of the county or regional municipality within which it is situate within such period of time, not being less than three months from the time the Plan is furnished to it, as is specified;

- (b) publish a notice in such newspapers having general circulation in any area that is within the Niagara Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed Plan, indicating where a copy of the Plan together with the material used in the preparation thereof mentioned in subsection (5), can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified;
- (c) furnish copies of the proposed Plan to any advisory committee appointed under section 4 and invite any such committee to make comments thereon within such period of time, not being less than three months from the time the Plan is furnished to it as is specified; and
- (d) furnish a copy of the proposed Plan to each county and regional municipality within or partly within the Niagara Escarpment Planning Area and invite them, after giving consideration to the comments received from the local municipalities under clause (a), to make comments on the proposed Plan to the Commission within such period of time, not being less than four months from the time the Plan is furnished to them, as is specified. 1973, c. 52, s. 10 (1).

Hearing  
officer

(2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area.

Notice of  
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection (2), and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of  
hearing

(4) The time fixed for any hearing under subsection (3) shall be not sooner than three weeks after the first publication

of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan. 1974, c. 52, s. 2 (1).

(5) At any such hearing the Commission, or any person appointed by the Commission, shall present the proposed Plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such Plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the Plan may be questioned on any aspect of the Plan by any interested person. 1973, c. 52, s. 10 (5); 1974, c. 52, s. 2 (2).

Procedure at hearing

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held.

Report of hearing officer

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Submission of Plan to Minister

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Inspection of proposed Plan and report

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall submit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

Submission of proposed Plan to Lieutenant Governor in Council

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report,

When report not approved



or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. 1974, c. 52, s. 2 (3).

Approval of  
Plan by  
Lieutenant  
Governor in  
Council

(11) The Lieutenant Governor in Council may approve the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area. 1973, c. 52, s. 10 (11).

Lodging of  
Plan

**11.**—(1) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the Niagara Escarpment Planning Area.

Idem

(2) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the Niagara Escarpment Planning Area, where it shall be made available to the public as a production. 1973, c. 52, s. 11.

Amendments  
to Plan

**12.**—(1) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person, ministry or municipality requesting an amendment to the Plan.

Approval of  
amendment  
to Plan by  
Lieutenant  
Governor in  
Council

(2) Where the Minister or the Commission initiates an amendment to the Niagara Escarpment Plan or, subject to subsection (3), where the Commission receives an application requesting an amendment to the Plan, the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, with necessary modifications, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the Plan as so amended is thereupon the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

(3) Where in the opinion of the Commission an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Commission shall inform the Minister of its opinion and where the Minister concurs in that opinion the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice, not being less than fifteen days from the time the notice is given, the provisions of subsection (2) in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused. <sup>Frivolous, etc., applications</sup>

(4) Where representations are made to the Minister under subsection (3), the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection (2). 1973, c. 52, s. 12. <sup>Idem</sup>

**13.**—(1) Notwithstanding any other general or special Act, when the Niagara Escarpment Plan is in effect, <sup>By-laws, etc., to conform to Plan</sup>

- (a) no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the Area; and
- (b) no municipality having jurisdiction in such Area shall pass a by-law for any purpose,

that is in conflict with the Niagara Escarpment Plan.

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the Niagara Escarpment Plan, if the Minister is of the opinion that the by-law, improvement or undertaking conforms with the general intent and purpose of the Plan. 1973, c. 52, s. 13. <sup>Minister may deem by-law, etc., conforms to Plan</sup>

**14.** Notwithstanding any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law <sup>Conflict</sup>

covering any part of the Niagara Escarpment Planning Area, then the provision of the Niagara Escarpment Plan prevails. 1973, c. 52, s. 14.

Minister may require submission of proposals to resolve conflict

**15.**—(1) Where in the opinion of the Minister a local plan or a zoning by-law that covers any part of the Niagara Escarpment Planning Area is in conflict with the provisions of the Niagara Escarpment Plan, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the Niagara Escarpment Plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

Power of Minister to amend local plan

(2) Where the council of the municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals the conflict cannot be resolved, and the Minister so notifies in writing the council of the municipality, the Minister may by order amend the local plan so as to make it conform to the Niagara Escarpment Plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister of Housing. 1973, c. 52, s. 15.

Minister may require adoption of local plan or passage of zoning by-law

**16.** Where the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the Plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the Niagara Escarpment Plan and submit to the Minister of Housing the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires. 1973, c. 52, s. 16.

Review of Plan

**17.**—(1) Not later than five years from the day on which the Niagara Escarpment Plan comes into effect, the Minister shall cause a review of the Plan to be undertaken, and the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, with necessary modifications to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the Plan with his recommendations thereon.

(2) The Lieutenant Governor in Council may confirm the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed Plan or the modified Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Lieutenant Governor in Council may confirm Plan or approve modifications

(3) Subsections (1) and (2) apply with necessary modifications to the confirmed or modified Niagara Escarpment Plan, and so on at intervals of not greater than five years, to the end that the Plan shall be subject to continuing review and if desirable, modification, at such periodic intervals. 1973, c. 52, s. 17.

Continuing review of Plan

**18.**—(1) For the purposes of developing any feature of the Niagara Escarpment Plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to the *Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the Niagara Escarpment Planning Area and sell, lease or otherwise dispose of any such land or interest therein.

Power to acquire land

R.S.O. 1980, c. 148

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection (1), and thereupon the minister so designated may, for the purpose of developing any feature of the Niagara Escarpment Plan,

Power of designated minister

(a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or

(b) sell, lease or otherwise dispose of any of such land or interest therein. 1973, c. 52, s. 18.

**19.** Where a municipality is invited to submit proposals to the Minister under section 15 to resolve a conflict between a local plan or zoning by-law and the Niagara Escarpment Plan or is required under section 16 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws, which are rendered invalid by the Niagara Escarpment Plan. 1973, c. 52, s. 19.

Grants

**20.** When the Niagara Escarpment Plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person,

Financial assistance

organization or corporation, including a municipal corporation, undertaking any policy or program that implements the Plan. 1973, c. 52, s. 20.

Transfer of  
Commission  
functions

**21.**—(1) Where, in the opinion of the Lieutenant Governor in Council, the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, the Lieutenant Governor in Council may, by order, and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the council of a regional municipality or the council of a county.

Limitation

(2) No order shall be made under subsection (1) except upon application made to the Lieutenant Governor in Council by the council of the regional municipality or county, and every such application shall include a statement of the administrative procedures intended to be followed in the exercise of such functions. 1973, c. 52, s. 21.

Regulations

**22.** The Minister may make regulations designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control. 1974, c. 52, s. 3, *part*.

Inter-  
pretation

**23.**—(1) In this section and in section 24, subsections 25 (1), (3) to (9) and (11) and (12) and section 26, "Minister" means the Minister of Housing. 1974, c. 52, s. 3, *part*.

Regulations

(2) The Minister may make regulations,

- (a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 35 of the *Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof provided that where land is removed from an area of development control such land is thereupon subject again to the aforementioned by-laws or orders or parts thereof, as the case may be, unless in the meantime such by-laws or orders or parts thereof have been repealed or revoked;
- (b) providing for the issuance of development permits and prescribing terms and conditions of permits;
- (c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;
- (d) prescribing the form of application for a development permit. 1974, c. 52, s. 3, *part*; 1976, c. 35, s. 3.

R.S.O. 1980,  
c. 379

**24.**—(1) Notwithstanding any other general or special Act, where an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or unless a development permit is issued by the Minister in respect of the development, or where the Minister has under section 25 delegated his authority to the Commission or to a county or to a regional municipality or to a city outside a regional municipality, a development permit is issued by the Commission or by the county or regional municipality, or city, as the case may be. 1976, c. 35, s. 4. Development permits

(2) The Minister may, where he issues a development permit under subsection (1), attach such terms and conditions thereto as he considers desirable. Terms and conditions

(3) No building permit or other permit relating to development shall be issued in respect of any land, building or structure within an area of development control, unless a development permit has been issued under this Act relating to such land, building or structure, and no such building or other permit shall be issued that does not conform to the development permit. Other permits

(4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. Offence

(5) Where any person undertakes any development that is in contravention of subsection (1), the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies. Order to demolish, etc.

(6) Where a person to whom an order is directed under subsection (5) fails to comply with the order within the time specified in it, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction. Cost of work

(7) Where the Minister has delegated his authority under section 25, the body to which the authority is delegated has, in lieu of the Minister, all the powers and rights of the Minister under subsections (5) and (6). 1973, c. 52, s. 23 (2-7). Delegation of authority

**25.**—(1) Subject to subsection (2), the Minister may in writing, and subject to such conditions as he considers appropriate, delegate to the Commission, or to a county or Delegation to Commission, etc.

regional municipality or to a city outside a regional municipality having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, authority to issue development permits. 1973, c. 52, s. 24 (1).

Limitation  
on  
delegation

(2) No delegation shall be made under subsection (1) to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection (1), and every such application shall include a statement of the organizational structure to be established and the administrative procedures intended to be followed. 1974, c. 52, s. 4.

Withdrawal  
of  
delegation

(3) The Minister may in writing withdraw any delegation made under subsection (1) where, in his opinion, it is in the public interest to do so.

Commission,  
etc., power  
of decision

(4) Where the Minister has delegated his authority under subsection (1), the Commission or the council of the county or regional municipality or city, as the case may be, on receiving an application for a development permit and, after giving consideration to the merits of the application, may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as it considers desirable.

Notification  
of decision

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection (1), shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit and to all assessed owners of land lying within 400 feet of the land that is the subject of the application and every copy of such decision shall include a notice specifying that any person receiving a copy of the decision, other than the Minister, may, within fourteen days of the mailing of it, appeal in writing to the Minister against the decision.

Hearing  
officer

(6) Where the Minister receives a copy of a decision under subsection (5) he may, within fourteen days of the mailing of it, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Application

(7) Where the Lieutenant Governor in Council appoints a hearing officer at the request of the Minister under subsection (6), the provisions of subsections (10), (11) and (12) apply with necessary modifications and any reference in those subsec-

tions to the Minister shall be deemed to be a reference to the Lieutenant Governor in Council.

(8) Where the Minister receives one or more notices of appeal under subsection (5) he shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision. Hearing officer, appointment by Minister

(9) Unless within the time specified in subsection (5), the Minister receives one or more notices of appeal or unless the Minister has under subsection (6) requested the appointment of a hearing officer, the decision of the Commission or of the council of the county or regional municipality or city, as the case may be, shall be deemed to be confirmed. Confirmation of decision

(10) The officer appointed to inquire under subsection (8) shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to each person to whom notice of the decision was sent under subsection (5). Time of hearing

(11) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made, together with his opinion on the merits of the decision. Report.

(12) After giving consideration to the report of the officer, the Minister may confirm the decision or he may vary the decision or make any other decision that in his opinion ought to have been made and the decision of the Minister under this section is final. 1973, c. 52, s. 24 (3-12). Power of Minister to confirm, etc., decision

**26.**—(1) Where the Minister has not delegated his authority under section 25 and he receives an application for a development permit the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed to all assessed owners of land lying within 400 feet of the land that is the subject of the application and every such notice shall specify the time within which any person receiving it may file with the Minister written notice of his objection to the issuance of a development permit. 1973, c. 52, s. 25 (1). Notice of application

(2) Subject to subsection (7), unless within the time specified in the notice referred to in subsection (1) a notice objecting to the issuance of a development permit is filed with the Minister, he may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit



Hearing  
officer,  
appointment  
by Minister

(3) Where a notice of objection to the issuance of a development permit is filed with the Minister within the time specified in the notice referred to in subsection (1), the Minister shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the issuance of the development permit.

Time of  
hearing

(4) The officer appointed to inquire under subsection (3) shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to the applicant for the development permit and to each person to whom notice of the application was sent under subsection (1).

Report

(5) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made together with his opinion on the merits of the application for the development permit.

Minister  
may issue,  
etc., permit

(6) After giving consideration to the report of the officer appointed to inquire into the matter, the Minister may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable.

Hearing  
officer,  
appointment  
by Minister

(7) The Minister where he considers it desirable may, and at the request of the applicant for the development permit made at the time of submitting his application to the Minister shall, appoint an officer for the purpose of conducting a hearing into the matter, and where the Minister does so the provisions of subsections (4), (5) and (6) apply with necessary modifications.

Decision  
final

(8) The decision of the Minister made under this section is final. 1973, c. 52, s. 25 (2-8).

Subs. (1),  
amended

(9) On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out "400 feet" in the seventh line and inserting in lieu thereof "120 metres". 1978, c. 87, s. 58.

Agreement  
for fixed  
assessment

**27.**—(1) Where the use of any land within the Niagara Escarpment Planning Area is not in conformity with the use designated for such land in the Niagara Escarpment Plan or in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply

to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years <sup>Term of agreement</sup> not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under <sup>Procedure</sup> subsection (1),

(a) the land shall be assessed in each year as if it did not <sup>assessment</sup> have a fixed assessment ;

(b) the treasurer of the local municipality shall calculate <sup>taxes</sup> each year what the taxes would have been on the land if it did not have a fixed assessment ;

(c) the treasurer shall keep a record <sup>record</sup> of the difference between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated <sup>Payment to municipality</sup> therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection (1) is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount of money <sup>Apportionment</sup> under subsection (4), the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause (3) (a).

(6) Where the land or a part thereof that is subject to an <sup>When agreement terminated</sup> agreement under subsection (1) ceases to be put to the use that was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

Registration  
of agreement

(7) Any agreement entered into under subsection (1) may be registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of the *Registry Act*, any and all subsequent owners of the land.

R.S.O. 1980,  
c. 445

Termination  
of agreement,  
as to all  
lands

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause (3) (c).

as to part  
of lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause (3) (c), that is attributable to the portion of the land in respect of which the agreement is terminated.

Payment to  
Minister

(10) Where a local municipality receives a payment under subsection (8) or (9), the treasurer of the municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Termination  
of agreement  
by owner

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the municipality.

Apportion-  
ment

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause (3) (a). 1973, c. 52, s. 28. .