



1980

# c 354 Ontario Planning and Development Act

Ontario

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CHAPTER 354

Ontario Planning and Development Act

1. In this Act,

Interpre-  
tation

(a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, 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;

(b) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2;

(c) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under the *Planning Act*;

R.S.O. 1980,  
c. 379

(d) "Minister" means the Minister of Housing;

(e) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;

(f) "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. 51, s. 1; 1974, c. 50, s. 1; O. Reg. 407/79, s. 1.

2.—(1) The Minister may by order establish as a development planning area any area of land in Ontario defined in the order and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order. 1973, c. 51, s. 2 (1); 1974, c. 50, s. 2 (1).

Minister  
may establish  
development  
planning  
area

(2) Where a development planning area has been established under subsection (1), the Minister shall include in the order a direction that there be carried out an investigation and survey

Direction by  
Minister to  
prepare  
development  
plan

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 development plan for the planning area or part thereof. 1973, c. 51, s. 2 (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. 50, s. 2 (2).

Advisory  
committees

**3.** 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 development planning area in whole or in part and one of which will be broadly representative of the people of the development planning area, to advise and make recommendations to the Minister in respect of the preparation and implementation of any development plan and to perform any other function given to them by the Minister. 1973, c. 51, s. 3.

Consulta-  
tion with  
municipali-  
ties

**4.** The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan. 1974, c. 50, s. 3.

Contents of  
plan

**5.** A development plan may contain,

- (a) policies for the economic, social and physical development of the area covered by the plan in respect of,
  - (i) the general distribution and density of population,
  - (ii) 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,
  - (iii) the management of land and water resources,
  - (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 planning and development among municipalities within an area or within separate areas, defined by the Minister; and
- (d) such policies as are, in the opinion of the Minister, advisable for the implementation of the plan. 1973, c. 51, s. 5.

**6.—(1)** In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

Proposed development plan to be furnished to municipalities, etc.

- (a) each municipality within such area is furnished with a copy of the proposed development plan and invited 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;
- (b) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in 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; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed

development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing  
officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the 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 for different parts of the 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 one or more newspapers having in his opinion general circulation in the area.

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 hearing and not before the expiration of the time for the making of comments on the proposed development plan.

Procedure  
at  
hearing

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development 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.

Report of  
hearing  
officer

(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 Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister 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 separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted.

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, 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 area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so.

Inspection of report

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the proposed development plan with his recommendations thereon to the Lieutenant Governor in Council.

Submission of proposed plan to Lieutenant Governor in Council

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report 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 intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

When report not approved

(10) 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 development plan for the area defined in it. 1974, c. 50, s. 4.

Approval of plan by Lieutenant Governor in Council

7.—(1) A copy of every development 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 area covered by the plan.

Lodging of plan

(2) A copy of every development 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 area covered by the plan, where it shall be made available to the public as a production. 1973, c. 51, s. 7.

Idem

8.—(1) An amendment to any development plan that is in effect may be initiated by the Minister, and application may be made to the Minister by any person, ministry or municipality requesting an amendment to the plan.

Amendment to plan

(2) Where the Minister initiates an amendment to a development plan or, subject to subsection (3), where the Minister receives an application requesting an amendment to a plan, the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, with necessary modifications, to the consideration

Approval of amendment to plan by Lieutenant Governor in Council

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 development plan as so amended is thereupon the development plan for the area defined in it.

Frivolous,  
etc.,  
applications

(3) Where, in the opinion of the Minister, an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, 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.

Idem

(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. 51, s. 8.

By-laws, etc.,  
to conform  
to plan

9.—(1) Notwithstanding any other general or special Act, where there is a development plan,

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

that is in conflict with the development plan.

Minister may  
deem by-law,  
etc., conforms  
to plan

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the area covered by a development plan, 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 development plan, if the Minister is of the opinion that the

by-law, improvement or other undertaking conforms with the general intent and purpose of the development plan. 1973, c. 51, s. 9.

**10.** Notwithstanding any other general or special Act, where a development plan is in effect in any area and there is a conflict between any provision of the development plan and any provision of a local plan or any provision of a zoning by-law covering part or all of the same area, then the provision of the development plan prevails. 1973, c. 51, s. 10.

**11.—(1)** Where, in the opinion of the Minister, a local plan or a zoning by-law is in conflict with the provisions of any development plan that covers in whole or in part the same area, 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 development plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

(2) Where the council of a 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 development 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. 1973, c. 51, s. 11.

**12.** Nothing in this Act derogates from the power of the Minister to make an order under clause 35 (1) (a) of the *Planning Act* and, notwithstanding subsection 35 (4) of the *Planning Act*, where there is a development plan in effect in the area to be covered by the order, any such order may be made that does not conform to a local plan in effect in the area, provided the order conforms to the development plan. 1973, c. 51, s. 12.

**13.** Where a development 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 development 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 development plan and submit to the



Minister 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. 51, s. 13.

Review of  
plan

**14.**—(1) Not later than five years from the day on which a development plan comes into effect, the Minister shall cause a review of the plan to be undertaken, and the provisions of this Act in respect of a development plan 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 development plan with his recommendations thereon.

Lieutenant  
Governor in  
Council may  
confirm plan  
or approve  
modifications

(2) The Lieutenant Governor in Council may confirm the development 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 as the case may be is the development plan for the area defined in it.

Continuing  
review of  
plan

(3) Subsections (1) and (2) apply with necessary modifications to the confirmed or modified development plan, and so on at intervals of not greater than five years, to the end that every development plan shall be subject to continuing review and if desirable, modification, at such periodic intervals. 1973, c. 51, s. 14.

Power to  
acquire land

**15.**—(1) For the purposes of developing any feature of a development 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 area covered by the plan, and sell, lease or otherwise dispose of any such land or interest therein.

Power of  
designated  
minister

(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 development plan,

- (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. 51, s. 15.

**16.** Where a municipality is invited to submit proposals <sup>Grants</sup> to the Minister under section 11 to resolve a conflict between a local plan or zoning by-law and a development plan or is required under section 13 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 a development plan. 1973, c. 51, s. 16.

**17.** Where a development plan is in effect, the Minister <sup>Financial assistance</sup> may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the plan. 1973, c. 51, s. 17.

**18.** This Act does not apply to the Niagara Escarpment Planning Area established under the *Niagara Escarpment Planning and Development Act*, except as otherwise provided under that Act. 1973, c. 51, s. 18. <sup>Application of Act to R.S.O. 1980, c. 316</sup>

