



1950

## c 277 Planning Act

Ontario

© Queen's Printer for Ontario, 1950

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

---

### Bibliographic Citation

*Planning Act*, RSO 1950, c 277

### Repository Citation

Ontario (1950) "c 277 Planning Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 3, Article 62.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss3/62>

## CHAPTER 277

**The Planning Act****1. In this Act,**Interpreta-  
tion.

- (a) "council" means council of a municipality;
- (b) "designated municipality" means municipality designated by the Minister to formulate the official plan;
- (c) "housing project" means a project designed to furnish housing accommodation together with any public space, recreational facilities and commercial space or buildings appropriate thereto;
- (d) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" means Minister of Planning and Development;
- (f) "municipality" means city, town, village, township or improvement district;
- (g) "official plan" means a plan consisting of the maps and texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area or any part thereof, showing a programme of development, or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area;
- (h) "planning area" means an area comprising the whole or part of one or more municipalities as defined by the Minister;
- (i) "public work" means any undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board. 1946, c. 71, s. 1; 1947, c. 75, s. 1; 1949, c. 71, s. 1.

Establishment of planning areas.

**2.**—(1) Upon application by the council of a municipality, the Minister may define and name a planning area. 1949, c. 71, s. 2.

Idem.

(2) Where the planning area covers more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and the scope and general purpose thereof. 1946, c. 71, s. 2 (2).

Unorganized territory.

(3) The Minister may include in a planning area any territory without municipal organization that adjoins a municipality included in the planning area. 1950, c. 53, s. 1.

Subsidiary planning areas.

(4) Where the council of a municipality within a planning area is desirous of having an official plan for local purposes, the Minister may define a subsidiary planning area.

Matters to be regarded.

(5) In defining the scope and general purpose of the official plan the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services. 1946, c. 71, s. 2 (3, 4).

Appointment of planning boards.

**3.** When the planning area is defined, the council shall appoint the planning board, and where the planning area covers more than one municipality, the council of the designated municipality shall, subject to the approval of the Minister, appoint the planning board. 1946, c. 71, s. 3.

Composition of planning boards.

**4.**—(1) The planning board shall be a body corporate by the name of “..... Board” (*inserting the name of the planning area*) and shall consist of,

(a) where the planning area consists of one municipality, the head of the council of the municipality as a member *ex officio*; or

(b) where the planning area consists of more than one municipality, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board.

Idem.

(2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board.

Substitute for head of council.

(3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute to act for him from time to time. 1949, c. 71, s. 3 (1).

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office for one year, two years and three years respectively so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. 1946, c. 71, s. 4 (4); 1949, c. 71, s. 3 (2).

Term of office.

(5) The members of the planning board shall hold office until their successors are appointed and shall be eligible for reappointment.

Reappointment.

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. 1946, c. 71, s. 4 (5, 6).

Vacancies.

(7) A majority of the members of a planning board shall constitute a quorum. 1949, c. 71, s. 3 (3).

Quorum.

(8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Officers.

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is deemed expedient. 1946, c. 71, s. 4 (8, 9).

Secretary-treasurer, employees, consultants.

5. Notwithstanding sections 2, 3 and 4, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the Board, the procedures by which it is appointed and the manner in which it shall function. 1947, c. 75, s. 2.

Minister may vary planning board.

6. The execution of documents by the planning board shall be evidenced by the signature of the chairman or the vice-chairman and of the secretary-treasurer and the corporate seal of the board. 1946, c. 71, s. 5.

Execution of documents.

7.—(1) The planning board shall submit annually to the council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Finances.

(2) Any municipality within or partly within a planning area may make grants of money to the planning board.

Grants in aid, local municipalities;

counties.

(3) The county in which a planning area or part thereof is situated may make grants of money to the planning board. 1947, c. 75, s. 3.

Duties of  
planning  
boards.

**8.** The planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and perform such other duties of a planning nature as may be referred to it by the council, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan of the planning area and recommend it to the council for adoption;
- (e) recommend from time to time to the council the implementation of any of the features of the official plan. 1946, c. 71, s. 7.

Plan to be  
submitted  
to council.

**9.—(1)** The plan as finally prepared and recommended by the planning board shall be submitted to the council.

Adoption  
of plan.

(2) The council may adopt the plan by a vote of the majority of all the members. 1946, c. 71, s. 8.

Plan to be  
submitted  
to Minister.

**10.—(1)** Upon adoption the plan shall be submitted by the council to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and where the planning area consists of more than one municipality, the Minister shall refer the plan to the council of every municipality in the planning area, and if modifications appear desirable, settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Approval  
by  
Minister.

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area. 1946, c. 71, s. 9.

**11.**—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the board in the office of the Minister and in the office of the clerk of every municipality within the planning area, and shall be available at such places for public inspection during office hours. Lodging of official plan.

(2) At least two, or as many as may be required, duplicate originals of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where they shall be made available to the public as productions. 1946, c. 71, s. 10. Idem.

**12.** The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto, provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality. 1946, c. 71, s. 11; 1947, c. 75, s. 4. Alterations and additions.

**13.**—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsection 2, no by-law shall be passed for any purpose that does not conform therewith. Public works and by-laws to conform with plan.

(2) The Ontario Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan if the Board is of opinion that the by-law conforms with the general intent and purposes of the official plan. Municipal Board may approve by-law.

(3) The procedure upon application to the Board under subsection 2 shall be the same as nearly as may be as in the case of an application to the Board under section 390 of *The Municipal Act*. 1950, c. 53, s. 2. Procedure. Rev. Stat., c. 243.

**14.** A by-law that conforms with an official plan shall be deemed to implement the plan whether the by-law is passed before or after the plan. 1949, c. 71, s. 5. By-laws implementing plans.

**15.**—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or any of its members as a committee of adjustment, unless and until the council constitutes such a committee composed of such persons as the council, subject to the approval of the Minister, may deem advisable. Committee of adjustment.

(2) The members of a committee shall remain in office during the pleasure of the board or council, as the case may be. Term of office.

- Quorum. (3) Two members or one-third of the members of the committee, whichever is greater, shall constitute a quorum.
- Chairman. (4) The members of a committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise the committee may appoint another member to act as chairman *pro tempore*.
- Secretary-treasurer. (5) The committee shall appoint a secretary-treasurer who may be a member of the committee.
- Powers of committee. (6) The committee, upon the application of the owner of land affected by any by-law that implements an official plan, may, notwithstanding any other Act, exempt or partly exempt the land from the operation of the by-law, provided that the general purpose of the by-law and the official plan is maintained and that the objections, if any, to the application have been withdrawn. 1947, c. 75, s. 7, *part*.
- Reference to Municipal Board. (7) When,
- (a) the objections to an application are not withdrawn and are, in the opinion of the committee, unfair and unreasonable; and
  - (b) the committee so requests the Minister in writing,
- the Minister may refer the matter to the Ontario Municipal Board, and the Board shall have power to review the matter in such manner and to make such order as it deems proper, and the order of the Board shall be final. 1949, c. 71, s. 6.
- Notice. (8) The committee, before hearing an application, shall give notice thereof in such manner and to such persons as the committee deems proper.
- Fees. (9) The committee may require that a fee of not more than \$25 be paid on every such application.
- Hearing. (10) At the place and time appointed for the hearing the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.
- Decision not to exempt. (11) When the decision of the committee does not exempt or partially exempt land from the operation of the by-law, the committee shall put its decision in writing and send a copy thereof, signed by the secretary-treasurer, to the applicant.
- Decision to exempt. (12) When the decision of the committee exempts or partly exempts land from the operation of the by-law, the committee shall put its decision in writing and send two copies thereof, signed by the secretary-treasurer, to the Minister.

(13) The Minister shall receive the decision of the committee and may approve, reverse or vary the decision in any manner that he deems proper. Review.

(14) As approved, reversed or varied by the Minister, the decision shall be final and binding and a notice thereof shall be sent by the Minister to the committee and the committee shall thereupon notify the applicant of the result. 1947, c. 75, s. 7, *part.* Effect of decision.

**16.**—(1) For the purpose of developing any feature of the official plan a municipality, with the approval of the Minister, may at any time and from time to time, Acquisition of lands for official plan purposes.

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required. 1946, c. 71, s. 15 (1).

(2) For the purpose of developing any feature of the official plan the designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. Powers of designated municipality.

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 with respect to the land within the county. Powers of county.

(4) Any county or municipality may contribute towards the cost of acquiring land under this section. 1947, c. 75, s. 8. Contributions to cost.

**17.**—(1) For the purpose of a housing project a municipality, with the approval of the Minister, may, Acquisition of lands for housing projects.

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

(2) For the purpose of a housing project a municipality, with the approval of the council of the municipality in which the land is situate and the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land in any adjacent municipality. 1946, c. 71, s. 16. Acquisition of lands in adjacent municipalities for housing projects.



Rev. Stat.,  
c. 243 to  
apply.

**18.** The provisions of *The Municipal Act* shall apply to the acquisition of land under section 16 or 17. 1946, c. 71, s. 17.

Power to  
clear, grade,  
etc., lands  
acquired.

**19.** When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. 1946, c. 71, s. 18.

Exchange  
of lands.

**20.** When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. 1946, c. 71, s. 19.

Power to  
erect, etc.,  
housing  
projects.

**21.** To relieve the existing emergency in housing conditions a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality. 1946, c. 71, s. 20.

Power to  
share capital  
and main-  
tenance cost  
of housing  
projects.

**22.** A municipality, with the approval of the Minister, may enter into agreements with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of housing projects. 1946, c. 71, s. 21.

Agreements  
to maintain  
land uses  
surrounding  
housing  
projects.

**23.** A municipality, with the approval of the Minister, may enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding the project will be maintained for the period specified in the agreement. 1946, c. 71, s. 22.

Areas of  
subdivision  
control.

**24.—(1)** The council may by by-law designate any area within the municipality as an area of subdivision control and thereupon no person shall convey land in the area by way of a deed or transfer on any sale or enter into an agreement of sale and purchase or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of 21 years of more,

- (a) unless the land is described in accordance with and is within a registered plan of subdivision, but the council may, in the by-law, designate land which although within a registered plan of subdivision shall be deemed not to be within a registered plan of subdivision for the purposes of this subsection;
- (b) unless the land is more than 10 acres in area;
- (c) unless the land is the whole part remaining to the person of one parcel described in a registered conveyance to him; or

(d) unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and registered in the proper registry office where they shall be made available to the public as productions. Lodging of copies of by-law.

(3) When an area is designated as an area of subdivision control it shall not be altered or dissolved without the approval of the Minister. Alteration and dissolution.

(4) Every person who contravenes this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500. 1947, c. 75, s. 9; 1949, c. 71, s. 7. Penalty.

**25.**—(1) The Minister, with respect to any land in Ontario that is not covered by an official plan or is not within the scope of a by-law passed under section 390 of *The Municipal Act*, may by order, Power of Minister to zone. Rev. Stat., c. 243.

(a) without the approval of the Ontario Municipal Board, exercise any of the powers conferred upon councils by the said section 390; or

(b) exercise the powers conferred upon councils by section 24 in respect of areas of subdivision control. 1946, c. 71, s. 24 (1); 1949, c. 71, s. 8.

(2) The Minister may give notice of any such order in such manner as he deems expedient. 1946, c. 71, s. 24 (2). Notice.

(3) Every person who contravenes an order of the Minister made under this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500. 1947, c. 75, s. 10. Penalty.

**26.**—(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the person desiring to register the plan shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister. 1947, c. 75, s. 11 (1). Application for approval of subdivision plans.

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate, What draft plan to indicate.

(a) the locations, widths and names of the proposed highways within the proposed subdivision and of

existing highways on which the proposed subdivision abuts;

- (b) on a small key plan, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest;
- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and where the adjoining land is not subdivided, the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided. 1946, c. 71, s. 25 (2); 1947, c. 75, s. 11 (2); 1950, c. 53, s. 3 (1).

Minister  
to confer.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements. 1946, c. 71, s. 25 (3).

What  
matters to  
be regarded.

(4) In considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following:

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the subdivision is premature or necessary in the public interest;

- (c) the suitability of the land for the purposes for which it is being subdivided; 1946, c. 71, s. 25 (4), cls. (a-c).
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof; 1946, c. 71, s. 25 (4), cl. (d); 1947, c. 75, s. 11 (3).
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) the area of land, if any, within the subdivision that, exclusive of highways, is to be dedicated for public purposes. 1946, c. 71, s. 25 (4), cls. (e-i).

(5) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per cent of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than 43 feet, or in the case of the King's Highway 50 feet, from the centre line of the highway as originally established. 1947, c. 75, s. 11 (5); 1949, c. 71, s. 10 (1); 1950, c. 53, s. 3 (2).

Dedication of land for public and highway purposes.

(6) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval at any time prior to his approval of a final plan for registration. 1946, c. 71, s. 25 (5); 1949, c. 71, s. 10 (2).

Approval of draft plan by Minister.

(7) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. 1946, c. 71, s. 25 (6); 1947, c. 75, s. 11 (4).

When draft plan approved. Rev. Stat., cc. 381, 336, 197.

(8) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity

Approval of plan by Minister.

with the approved draft plan, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. 1946, c. 71, s. 25 (7).

Withdrawal  
of approval  
of plan for  
registration.

(9) When a final plan for registration is approved by the Minister under subsection 8 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted. 1949, c. 71, s. 10 (4), *part*.

Duplicates  
to be  
deposited  
and sent to  
Minister.  
Rev. Stat.,  
cc. 336, 197.

(10) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister. 1950, c. 53, s. 3 (3).

Saving.

(11) Approval of a plan of subdivision by the Minister shall not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. 1949, c. 71, s. 10 (4), *part*.

Penalty  
for certain  
land sales.

**27.** Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500. 1946, c. 71, s. 27.

Right to  
restrain.

**28.** In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 13 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 25 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. 1947, c. 75, s. 12; 1949, c. 71, s. 11.

Reference  
to Municipal  
Board.

**29.—(1)** When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval or consent, as the case may be, of the Board shall have the same force and effect as if it were the approval or consent of the Minister.

(2) When under this Act the approval of the Minister is given, the signature of the Minister or the seal of the Ontario Municipal Board, as the case may be, by which the approval is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval have been complied with. 1947, c. 75, s. 13.

**30.** In the event of conflict between the provisions of this Act and any other general or special Act, the provisions of this Act shall prevail. 1947, c. 75, s. 14.

---

