

1976

## c 38 The Planning Amendment Act, 1976 (No. 1)

Ontario

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## CHAPTER 38

### An Act to amend The Planning Act

Assented to June 7th, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 2, is repealed and the following substituted therefor:

(2) Where a planning area consists of part or all of one or more municipalities and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister.

- 2.—(1) Clause *c* of subsection 4 of section 29 of the said Act is repealed and the following substituted therefor:

(c) the land or any use of or right therein is being acquired for the construction of a transmission line or utility line, both as defined in *The Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

- (2) Subsection 5*e* of the said section 29, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 18, section 1, is repealed and the following substituted therefor:

(5*e*) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the

land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

s. 29,  
amended

- (3) The said section 29, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1975 (2nd Session), chapter 18, section 1, is further amended by adding thereto the following subsection:

Agreements

(12a) Every municipality and the Minister may enter into agreements imposed as a condition to the giving of a consent and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970,  
cc. 409, 234

s. 29 (14),  
repealed

- (4) Subsection 14 of the said section 29 is repealed.

s. 35c,  
enacted

3. The said Act is amended by adding thereto the following section:

Interpre-  
tation

35c.—(1) In this section,

- (a) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) "parcel of land" means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause *b* of subsection 2 or clause *a* of subsection 4 of section 29.

One mobile  
home per  
parcel of  
land

(2) Unless otherwise authorized by a by-law in force under section 35 or an order of the Minister made under clause *a* of subsection 1 of section 32, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as



defined in clause *b* of subsection 1, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

(3) This section does not apply to prevent the continued <sup>Saving</sup> use in the same location of any mobile home that,

(a) is erected or located and in use prior to the 1st day of June, 1977; or

(b) is erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

(4) Every person who contravenes this section is guilty <sup>Offence</sup> of an offence and on summary conviction is liable to a fine of not more than \$1,000.

(5) In addition to any other remedy or penalty provided <sup>Right to restrain</sup> by law, any contravention of this section 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 and, where the contravention took place in territory without municipal organization, the action may be taken at the instance of the Minister or any resident of such territory or any adjoining municipality or any ratepayer of any adjoining municipality.

4. Subsection 2 of section 44*b* of the said Act, as re-enacted <sup>s. 44*b* (2), re-enacted</sup> by the Statutes of Ontario, 1974, chapter 53, section 8, is repealed and the following substituted therefor:

(2) The Minister on the request of a council may by <sup>Delegation of Minister's powers</sup> order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act* and under subsection 4 of section 86 of *The Registry Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. <sup>R.S.O. 1970, cc. 77, 284, 409</sup>

5.—(1) This Act, except subsection 2 of section 2, comes into <sup>Commencement</sup> force on the day it receives Royal Assent.

(2) Subsection 2 of section 2 shall be deemed to have <sup>Idem</sup> come into force on the 18th day of December, 1975.

6. This Act may be cited as *The Planning Amendment Act, 1976*. <sup>Short title</sup>

