CHAPTER 379
Planning Act

1. In this Act,

(a) "council" means the council of a municipality or the board of trustees of an improvement district;

(b) "designated municipality" means the municipality named by the Minister under subsection 2 (6) in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization;

(c) "joint planning area" means a planning area consisting of more than one municipality or part or parts thereof;

(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 the Minister of Housing;

(f) "Municipal Board" means the Ontario Municipal Board;

(g) "municipality" means a city, town, village, township or improvement district;

(h) "official plan" means a program and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such program and policy, approved by the Minister from time to time as provided in this Act;
(i) "planning area" means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area;

(j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. R.S.O. 1970, c. 349, s. 1; 1973, c. 168, s. 1; O. Reg. 57/76.

PART I

OFFICIAL PLANS

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area. R.S.O. 1970, c. 349, s. 2 (1); 1973, c. 168, s. 2, part.

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. R.S.O. 1970, c. 349, s. 2 (2); 1973, c. 168, s. 2, part.

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. R.S.O. 1970, c. 349, s. 2 (3); 1973, c. 168, s. 2, part.

(4) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a subsidiary planning area consisting in whole or in part of land that is within one or more planning areas and may define the scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof. R.S.O. 1970, c. 349, s. 2 (4); 1973, c. 168, s. 2, part.

(5) When a planning area, other than a joint planning area, or any part thereof is included in a joint planning area, the planning area or part thereof so included is thereby a subsidiary planning area. R.S.O. 1970, c. 349, s. 2 (5).
(6) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof. R.S.O. 1970, c. 349, s. 2 (6); 1973, c. 168, s. 2, part.

(7) In defining the scope and general purpose of an 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. R.S.O. 1970, c. 349, s. 2 (7); 1973, c. 168, s. 2, part.

(8) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it remains in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. R.S.O. 1970, c. 349, s. 2 (8); 1973, c. 168, s. 2, part.

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area. R.S.O. 1970, c. 349, s. 3 (1); 1973, c. 168, s. 3.

(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. 1976, c. 38, s. 1.

4.—(1) A planning board is a body corporate by the name of “..............................Board” (inserting the name designated by the Minister) and shall consist of,

(a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member ex officio; or

(b) in the case of a joint planning area, 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 within or partly within the planning area or of a local board of any such municipality. R.S.O. 1970, c. 349, s. 4 (1); 1972, c. 118, s. 1 (1).

(2) In subsection (1), “employees” does not include teachers employed by a board of education or school board. R.S.O. 1970, c. 349, s. 4 (2).
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 of the designated municipality, from among such members shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

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. R.S.O. 1970, c. 349, s. 4 (4).

When a member of a planning board becomes a member of a municipal council, he ceases to be a member of the planning board, but is eligible to be appointed annually. R.S.O. 1970, c. 349, s. 4 (5); 1972, c. 118, s. 1 (3).

The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and are eligible for reappointment.

Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.

A majority of the members of a planning board constitutes a quorum.

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

The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is considered expedient. R.S.O. 1970, c. 349, s. 4 (6-10).

Notwithstanding this or any other Act, the Minister may, in order to suit the special needs of any planning area,
vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 12, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. R.S.O. 1970, c. 349, s. 5; 1973, c. 168, s. 2, part.

6. The execution of documents by the planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1970, c. 349, s. 6.

7.—(1) Notwithstanding section 57 of the Assessment Act, it is not an offence to disclose the information referred to therein to a member or employee of a planning board who declares that such information is required in the course of his duties.

(2) A member or employee of a planning board who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than $200, or to imprisonment for a term of not more than six months, or to both.

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration. R.S.O. 1970, c. 349, s. 7.

8.—(1) Where a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality 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 planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a joint planning area, the planning board shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.
(3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates are binding on all the municipalities in the planning area.

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality in the planning area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board.

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be. R.S.O. 1970, c. 349, s. 8 (1-7).

(8) Where all of the municipalities that form a county for municipal purposes or a majority of the municipalities in a county that form part of the county for municipal purposes are included in one planning area, the Minister may authorize the council of the county to act on behalf of such municipalities for the purposes of this section. R.S.O. 1970, c. 349, s. 8 (8); 1973, c. 168, s. 2, part.

(9) Where a county is chargeable under subsection (8), it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 365 of the *Municipal Act*. R.S.O. 1970, c. 349, s. 8 (9).

9. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 8. R.S.O. 1970, c. 349, s. 9.

10.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.
(2) The county in which a planning area or part thereof is situated may make grants of money to the planning board. R.S.O. 1970, c. 349, s. 10.

11. Notwithstanding subsection 88 (2) of the Municipal Act, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. R.S.O. 1970, c. 349, s. 11.

12.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, 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 cooperation 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 for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;

(e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area; and

(f) review the official plan from time to time and recommend amendments thereto to the council of the designated municipality for adoption.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. R.S.O. 1970, c. 349, s. 12.
13.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality. R.S.O. 1970, c. 349, s. 13 (1).

(2) The council of the designated municipality may, by by-law, adopt the plan as submitted or adopt it with such amendments thereto as the council considers appropriate. 1972, c. 118, s. 2.

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by by-law,

(a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

(b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. R.S.O. 1970, c. 349, s. 13 (3).

14.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to Ontario Hydro, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister he shall, after consultation with the council of the municipality affected, make such modifications and cause the plan to be amended accordingly. R.S.O. 1970, c. 349, s. 14 (1); 1972, c. 1, s. 2; 1973, c. 57, s. 19; 1973, c. 168, s. 4.

(2) The Minister may then approve the plan, whereupon it is the official plan of the planning area. R.S.O. 1970, c. 349, s. 14 (2).

(3) Notwithstanding subsection (2), the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15. 1974, c. 53, s. 1.
15.—(1) The Minister may refer any part of the plan to the Municipal Board and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay, and, when the Minister has referred any part of the plan to the Municipal Board, the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister.

(2) When a part of the plan has been referred to the Municipal Board, the Minister may approve the remainder of the plan, whereupon the remainder, together with such part of the plan as may be approved by the Municipal Board, is the official plan of the planning area. R.S.O. 1970, c. 349, s. 15.

16.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every land registry office of lands within the planning area, where it shall be made available to the public as a production. R.S.O. 1970, c. 349, s. 16.

17.—(1) The provisions of this Act with respect to an official plan apply with necessary modifications to amendments thereto, or the repeal thereof, provided that the Minister may, subject to subsection (2), approve any amendment or repeal that may be proposed by the council of any municipality.

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and, if the planning board does not concur in the proposal the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council.

(3) Where any person requests the council to initiate an amendment to the official plan and the council,

(a) refuses to propose the amendment; or
(b) fails to propose the amendment within thirty days from the receipt of the request,

such person may request the Minister to refer the proposal to the Municipal Board.

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board.

(5) When a proposal is referred to the Municipal Board under subsection (4), the Municipal Board may reject the proposal or direct that the council cause the amendment to be made in the manner provided in the order. R.S.O. 1970, c. 349, s. 17.

18. For the purposes of sections 12, 13, 14, 16 and 17, when a planning area is defined and named under subsection 2 (3), the Minister shall be deemed to have all the powers and duties of a council and of any officer of a council. R.S.O. 1970, c. 349, s. 18.

19.—(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 subsections (2) and (3), no by-law shall be passed for any purpose that does not conform therewith.

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required. R.S.O. 1970, c. 349, s. 19 (1, 2).

(3) Notwithstanding subsections (1) and (2), the council of a municipality, including a metropolitan, regional or district municipality, may take into consideration the undertaking of a public work that does not conform with an official plan that is in effect, and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this sub-
section authorizes the actual undertaking of any public work that does not conform with an official plan. 1978, c. 93, s. 1.

(4) The 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 Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan.

(5) The procedure upon an application to the Municipal Board under subsection (4) shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 39. R.S.O. 1970, c. 349, s. 19 (3, 4).

20. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1970, c. 349, s. 20.

21.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required. R.S.O. 1970, c. 349, s. 21 (2, 3).

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

(3) Any county or municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1970, c. 349, s. 21 (2, 3).

22.—(1) In this section,

(a) "redevelopment" means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or
other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;

(b) "redevelopment area" means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason;

(c) "redevelopment plan" means a general scheme, including supporting maps and texts, approved by the Minister for the redevelopment of a redevelopment area. R.S.O. 1970, c. 349, s. 22 (1); 1973, c. 168, s. 5 (1), part.

(2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister.

(3) When a by-law has been passed and approved under subsection (2), the municipality, with the approval of the Minister, may,

(a) acquire land within the redevelopment area;

(b) hold land acquired before or after the passing of the by-law within the redevelopment area; and

(c) clear, grade or otherwise prepare the land for redevelopment. R.S.O. 1970, c. 349, s. 22 (2, 3).

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Minister, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections (2) and (3) and thereupon the by-law designating the redevelopment area ceases to have effect and the redevelopment area ceases to exist. R.S.O. 1970, c. 349, s. 22 (4); 1973, c. 168, s. 5 (1), part.

(5) When a by-law has been passed and approved under subsection (2), the council, with the approval of the Minister, may by by-law adopt a redevelopment plan for the redevelopment area. R.S.O. 1970, c. 349, s. 22 (5); 1973, c. 168, s. 5 (1), part.
(6) No redevelopment plan shall be approved by the Minister unless it conforms with the official plan. R.S.O. 1970, c. 349, s. 22 (6); 1973, c. 168, s. 5 (1), part.

(7) A redevelopment plan adopted and approved under subsection (5) may be amended by by-law with the approval of the Minister. R.S.O. 1970, c. 349, s. 22 (7); 1973, c. 168, s. 5 (1), part.

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may,

(a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan. R.S.O. 1970, c. 349, s. 22 (8).

(9) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

(10) The provisions of subsections 44 (2) and (3) apply with necessary modifications to any loan made under subsection (9). 1973, c. 168, s. 5 (2).

(11) Until a by-law or amending by-law passed under section 39, after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time.
Debentures
R.S.O. 1980, c. 302

(12) Notwithstanding subsection 143 (1) of the Municipal Act, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. R.S.O. 1970, c. 349, s. 22 (9, 10).

Agreements for special studies

23. A municipality, with the approval of the Minister, may enter into an agreement with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the physical condition of the municipality or any part thereof. R.S.O. 1970, c. 349, s. 23.

Agreements for grants in aid of redevelopment

24. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into an agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the redevelopment of a redevelopment area as defined in section 22, including the carrying out of studies for the purpose of selecting areas for redevelopment. R.S.O. 1970, c. 349, s. 24; 1974, c. 53, s. 3.

Exchange of lands


Power to clear, grade, etc., lands acquired

26. 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. R.S.O. 1970, c. 349, s. 26.

Interpretation

27. 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. R.S.O. 1970, c. 349, s. 27.

Interpretation

28. For the purposes of this Part, “municipality” includes a county. R.S.O. 1970, c. 349, s. 28.

PART II

SUBDIVISIONS

29.—(1) In this section, “consent” means,

(a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,
(i) a consent given by the committee of adjustment of such municipality under subsection 49 (3), if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause (i), a consent given by the land division committee constituted under section 31, or

(iii) where there is no committee of adjustment referred to in subclause (i), and no land division committee referred to in subclause (ii), a consent given by the Minister;

(b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,

(i) a consent given by the committee of adjustment of such municipality under subsection 49 (3), if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause (i), a consent given by the Minister; or

(c) in the case of land situate in territory without municipal organization, a consent given by the Minister. R.S.O. 1970, c. 349, s. 29 (1).

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. 1974, c. 53, s. 4 (1), part.

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment
with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlemet to renewal for a period of twenty-one years or more unless,

(a) the land is described in accordance with and is within a registered plan of subdivision; or

(b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(d) the land or any use of or right therein is being acquired for the construction of a transmission line 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

(e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

R.S.O. 1980, c. 332

(4) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1970, c. 349, s. 29 (2, 3).

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the
land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(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

(d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land. R.S.O. 1970, c. 349, s. 29 (4); 1976, c. 38, s. 2 (1).

(6) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance. 1974, c. 53, s. 4 (1), part.

(7) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under this section, subsections (3) and (5) do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land
unless the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

(8) Where a committee of adjustment, a land division committee or the Minister stipulates in accordance with subsection (7),

(a) in the case of the committee of adjustment or the land division committee, the certificate provided for in subsection 49 (21); and

(b) in the case of the Minister, the consent given by the Minister,

shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been granted without the stipulation. 1978, c. 93, s. 2 (1).

(9) Where land is within a registered plan of subdivision or within a registered description under the **Condominium Act** or where land is conveyed with a consent given under this section or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of **The Planning Act**, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978. 1978, c. 93, s. 2 (2).

(10) Notwithstanding subsection (5), the council of a municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (21) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment. R.S.O. 1970, c. 349, s. 29 (5); 1972, c. 118, s. 3.
(11) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with. 1971, c. 2, s. 1 (1).

(12) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation. 1973, c. 168, s. 6, part.

(13) Subsection (12) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation.

(a) is the same land in respect of which a consent to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county. 1974, c. 53, s. 4 (2).

(14) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land
that was acquired by the Directorate under one registered deed or transfer. 1973, c. 168, s. 6, part.

(15) 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. 1976, c. 38, s. 2 (2).

(16) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land. 1978, c. 93, s. 2 (3).

(17) Any consent mentioned in subsection (3) or (5) shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of two years after the date of the certificate given under subsection 49 (21), unless within such period,

(a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or

(b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised, provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent. R.S.O. 1970, c. 349, s. 29 (6); 1971, c. 2, s. 1 (2).
(18) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

(19) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister. R.S.O. 1970, c. 349, s. 29 (7, 8).

(20) A by-law passed under subsection (4) is not effective until the requirements of subsection (21) have been complied with. 1978, c. 93, s. 2 (4), part.

(21) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office. R.S.O. 1970, c. 349, s. 29 (10).

(22) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

(23) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (22), who within fifteen days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law. 1978, c. 93, s. 2 (4), part.

(24) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 36 (4) and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 36 (5) and (8), and shall require that all conditions imposed be fulfilled prior to the granting of a consent. R.S.O. 1970, c. 349, s. 29 (12).

(25) 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. 1976, c. 38, s. 2 (3).

(26) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 36 (11) applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land. R.S.O. 1970, c. 349, s. 29 (13).

30.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of The Planning Act, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of The Planning Act, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations.

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law, requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

(3) A municipality may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

(4) Nothing in this section derogates from the power the Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29. 1973, c. 168, s. 7.

31.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metro-
politan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970, the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

(2) In subsection (3), "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

(3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality. R.S.O. 1970, c. 349, s. 30 (1-3).

(4) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. 1971, c. 2, s. 2 (1).

(5) The provisions of subsections 48 (5), (6) and (8) to (13) and subsections 49 (3) to (13) apply with necessary modifications to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection (6) has elapsed, or unless the committee of adjustment is dissolved. R.S.O. 1970, c. 349, s. 30 (4); 1971, c. 2, s. 2 (2).

(6) Where a by-law is passed under subsection (5), the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose. R.S.O. 1970, c. 349, s. 30 (5).
Delegation of Minister's powers

32.—(1) The Minister may by order delegate to a planning board of a planning area in a territorial district the authority of the Minister to give consents under section 29 in respect of any land within the planning area and where authority is delegated to a planning board the reference to the Minister in subclause 29(1)(b)(ii) and in clause 29(1)(c) shall be deemed to be a reference to such planning board.

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application of ss. 48(7, 8, 12, 13), 49(3-21)

(3) Where the Minister has delegated his authority to a planning board under subsection (1), the provisions of subsections 48(7), (8), (12) and (13) and subsections 49(3) to (21) apply with necessary modifications in respect of applications for consent and such planning board shall be deemed to be a committee of adjustment for the purposes of subsections 29(17) and (24).

Agreements

(4) A planning board as referred to in subsection (3) may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 29(25) apply with necessary modifications to any such agreement. 1976, c. 64, s. 1, part. 

Appointment of district land division committee and delegation

33.—(1) The Minister by order may constitute and appoint one or more district land division committees and may by order delegate thereto the authority of the Minister to give consents under section 29 in respect of such lands situate in a territorial district as are defined in the order, and, where authority is delegated to a district land division committee, the reference to the Minister in subclause 29(1)(b)(ii) and in clause 29(1)(c) shall be deemed to be a reference to such district land division committee.

(2) The members of a district land division committee to be appointed under subsection (1) shall be selected at a meeting or meetings of the property owners and tenants of land in the district defined in the order made under subsection (1), and the procedure for calling such meeting or meetings, the number of members to be selected and the manner of conducting such selection shall be as prescribed by regulations made by the Minister, which regulations the Minister is authorized to make.

Conditions and withdrawal of delegation

(3) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by
order provide and the Minister may by order withdraw any delegation.

(4) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 48 (7) to (10) and (12) and (13) and subsections 49 (3) to (21) apply with necessary modifications and such district land division committee is deemed to be a land division committee within the meaning of subsections 29 (17) and (24).

(5) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 29 (25) apply with necessary modifications to any such agreement.

(6) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

(7) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund. 1976, c. 64, s. 1, part.

34.—(1) Notwithstanding any other provision of this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 29 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. R.S.O. 1970, c. 349, s. 31 (1).

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment or a land division committee constituted and appointed under section 31 is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter where the jurisdiction of a committee of adjustment has been so terminated, the Minister or the land division committee, as the case may be, shall act in the place and stead of the committee of adjustment for the giving of consents, and, where the jurisdiction of a land division committee has been so terminated, the Minister shall act in the place and stead of the land division committee. 1976, c. 64, s. 3.
35.—(1) The Minister may by order,

(a) with respect to any land in Ontario, exercise any of the powers conferred upon councils by section 39 without the approval of the Municipal Board; and

(b) with respect to any land in Ontario, exercise the powers conferred upon councils by subsection 29 (4).

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has in respect of a by-law implementing an official plan or passed under section 39 as provided in subsections 49 (1) and (2), but the provisions of subsections 49 (4) to (20) do not apply to the exercise by the Minister of such powers. R.S.O. 1970, c. 349, s. 32 (1, 2).

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 39, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect. 1973, c. 168, s. 8 (1).

(4) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause (1) (a) that does not conform with the official plan. R.S.O. 1970, c. 349, s. 32 (4).

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10). 1976, c. 64, s. 4 (1).

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the Municipal Act apply with necessary modifications; and

(b) where the land affected is situate in territory without municipal organization, to be lodged in the
proper land registry office, where it shall be made available to the public as a production. 1972, c. 118, s. 4 (2); 1978, c. 93, s. 3.

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

(8) The Minister may, on his own initiative or at the request of any person, by order amend or revoke in whole or in part any order made under subsection (1).

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

(11) Notwithstanding subsection (10), where the Minister is of the opinion that a request made under subsection (10) is not made in good faith or is frivolous or is made only for the purpose of delay, he may refuse such request.

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons as the Municipal Board may direct, and the Municipal Board shall hear any submissions that any person may desire to bring to the attention of the Board.

(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall give effect to the decision of the Board.

(14) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representations on the matter.
(15) Every person who contravenes an order of the Minister made under clause (1) (a) is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

(16) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under section 29.  1976, c. 64, s. 4 (2).

36.—(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 owner of the land or someone authorized by him in writing 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.  R.S.O. 1970, c. 349, s. 33 (1).

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall 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, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, and the information specified under clause (c);

(c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and 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; and

(l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. R.S.O. 1970, c. 349, s. 33 (2); 1978, c. 87, s. 21 (1).

(3) The Minister may then confer with officials of municipalities and ministries 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. R.S.O. 1970, c. 349, s. 33 (3); 1972, c. 1, s. 2.

(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 proposed subdivision is premature or necessary in the public interest;

(c) the suitability of the land for the purposes for which it is to be subdivided;

(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;
(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) adequacy of school sites;

(j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1970, c. 349, s. 33 (4).

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

(a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes;

(b) that such highways shall be dedicated as the Minister considers necessary;

(c) 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 such width as the Minister considers necessary; and

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services. R.S.O. 1970, c. 349, s. 33 (5); 1972, c. 118, s. 5 (1); 1974, c. 53, s. 5 (1).

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a
plan of subdivision 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. 1974, c. 53, s. 5 (2).

(7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister, or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister. R.S.O. 1970, c. 349, s. 33 (7).

(8) The Minister may authorize, in lieu of the conveyance for park purposes required under subsection (5), the acceptance by the municipality of money to the value of such land required to be conveyed. R.S.O. 1970, c. 349, s. 33 (8); 1972, c. 118, s. 5 (2).

(9) Land conveyed to a municipality under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time. 1978, c. 93, s. 4 (1).

(10) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection (11) the sum so included in the estimates, and any person may pay any sum into the same fund. R.S.O. 1970, c. 349, s. 33 (10).

(11) All moneys received by the municipality under subsections (8) and (10) and all moneys received on the sale of land under subsection (9), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, for the development or improvement of lands used or to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recrea-
ational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the Trustee Act, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1978, c. 93, s. 4 (2).

(12) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration. R.S.O. 1970, c. 349, s. 33 (12).

(13) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn under subsection (12), thereupon lapse, but the Minister may at any time during such three year period extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval. 1971, c. 2, s. 3 (1).

(14) 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.

(15) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

(16) When a final plan for registration is approved by the Minister under subsection (15) 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.

(17) 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 land registrar 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 land registrar 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.

(18) Approval of a plan of subdivision by the Minister does 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. R.S.O. 1970, c. 349, s. 33 (13-17).

37.—(1) Where an action or proceeding for the partition of land is brought under the Partition Act, notice shall be given to the Minister.

(2) The notice shall include a copy of the application for the partition of land and shall state the day on which the matter is to be heard, and, subject to the rules of court, shall be served not less than ten days before the day of the hearing.

(3) The Minister is entitled as of right to be heard either in person or by counsel notwithstanding that the Crown is not a party to the action or proceeding.

(4) Where the Minister appears in person or by counsel, the Minister shall be deemed to be a party to the action or proceeding for the purpose of an appeal and has the same rights with respect to an appeal as any other party to the action or proceeding. 1978, c. 93, s. 5.

38.—(1) 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 is guilty of an offence and on conviction is liable to a fine of not more than $500.

(2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the Land Titles Act that complies with the regulations under that Act or a plan deposited under Part II of the Registry Act in accordance with the regulations under that Act. R.S.O. 1970, c. 349, s. 34.
39.—(1) By-laws may be passed by the councils of municipalities:

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

6. For prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof. R.S.O. 1970, c. 349, s. 35 (1).
(2) The authority to regulate provided in paragraph 4 of subsection (1) includes and, notwithstanding the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law. 1972, c. 118, s. 6(1).

(3) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection (1).

(4) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

(5) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

(6) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

(7) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

(8) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such
land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have, prior to the day of the passing of the by-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(9) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities, as to lands abutting on the highway, has passed a by-law for any purpose mentioned in subsection (1) and, for three months after request by the council of such municipality, the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board has power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and, if and when such order is made and becomes effective, the by-law shall be construed and may be enforced accordingly.

(10) Subject to subsection (26), no part of any by-law passed under this section comes into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

(11) Subject to subsection (26), no part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the
Municipal Board made under subsection (23), comes into force without the approval of the Municipal Board.

(12) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section.

(13) Except as provided in subsections (14) and (15), the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board.

(14) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

(15) Where notice has been given under subsection (14), the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board considers the objection or, if more than one, all the objections to be insufficient to require a public hearing. R.S.O. 1970, c. 349, s. 35 (2-14).

(16) Where a by-law passed under this section applies to land abutting on the King’s Highway or on a highway under the jurisdiction of a county council, the council that passed the by-law shall give to the Ministry of Transportation and Communications or to the clerk of the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law. R.S.O. 1970, c. 349, s. 35 (15); 1972, c. 1, s. 100 (2).

(17) Where a by-law passed under this section applies to land abutting on a boundary between the municipality that passed the by-law and another local municipality, the council that passed the by-law shall give,

(a) to the clerk of the other municipality;
(b) to the secretary of the planning board, if any, of the other municipality; and

c) to each owner of land in the other municipality abutting on the land to which the by-law applies, notice of its intention to apply to the Municipal Board for approval of the by-law.

(18) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan.

(19) Where, after an adjournment of the hearing of an application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct or may dispense with such notice, and may approve the amended by-law.

(20) The Municipal Board may approve any such by-law in whole or in part and as to the whole or any part of any land, area or highway therein defined, and the Municipal Board may have regard to the restrictions on any land adjacent to such land, area or highway.

(21) Such approval does not become effective until the issue by the Municipal Board of its formal order thereof.

(22) Notwithstanding any other provision of this section, any by-law passed under this section or a predecessor of this section or any by-law deemed to be consistent with this section by subsection 13 (3) of The Municipal Amendment Act, 1941 may, with the approval of the Municipal Board, be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

(23) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section, or any by-law deemed to be consistent with this
section by subsection 13 (3) of *The Municipal Amendment Act*, 1941, c. 35, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(24) Where an application has been made to the Municipal Board for the approval of a by-law passed under this section, a copy of the decision of the Municipal Board with respect to the application shall be supplied by the Municipal Board to the applicant and to each person who appeared in person or by counsel at the hearing of the application and who filed with the Municipal Board or the secretary of the Municipal Board a written request for notice of the decision.

(25) The Lieutenant Governor in Council may make regulations prescribing the manner of giving notice, the form of the notice, the persons to whom notice shall be given and the time within which objections may be filed with the clerk of the municipality when the council proceeds under subsection (26).

(26) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law thereupon comes into effect. R.S.O. 1970, c. 349, s. 35 (16-25).

(27) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect without the approval of the Municipal Board. 1978, c. 93, s. 6 (1).

(28) A certificate of the clerk of the municipality that the notice has been sent in the manner and form and to the persons prescribed by the regulations and that no notice of objection has been filed with him within the time prescribed by the regulations shall be *prima facie* evidence of the facts stated therein. R.S.O. 1970, c. 349, s. 35 (27).
(29) Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection (26) shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality. 1978, c. 93, s. 6 (2).

(30) The council of a municipality may, subject to subsections (31) and (32), pass by-laws to permit the use of vacant land for the parking thereon of vehicles where such use is otherwise prohibited by any other by-law passed under this section.

(31) A by-law passed under subsection (30) shall define the area to which it applies and shall prescribe the period for which it shall be in effect, which shall not exceed two years from the date of the passing of the by-law or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser, and may contain such other provisions as the council considers advisable.

(32) When a by-law passed under subsection (30) ceases to have effect, clause (8)(a) does not apply in respect of the use of land permitted by such by-law.

(33) Any parking facilities provided under a by-law passed under subsection (30) shall be deemed not to be parking facilities required to be provided and maintained by virtue of any other by-law passed under this section. R.S.O. 1970, c. 349, s. 35 (29-32).

40.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

(2) Where there is an official plan in effect in a municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council.

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 39.
(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (9), the Municipal Board has approved one or both, as the council may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (6) (a).

2. Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected which are sufficient to display,

   (a) the massing and conceptual design of the proposed building;

   (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and

   (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

(5) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

(6) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

   (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
1. Widenings of highways that abut on the land.

2. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.

3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.

4. Walkways, including the surfacing thereof, and all other means of pedestrian access.

5. Facilities for the lighting, including flood-lighting, of the land or of any buildings or structures thereon.

6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.

9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause (a) or with the
provision and approval of the plans and drawings referred to in subsection (4).

(7) Any agreement entered into under clause (6) (c) may be registered against the land to which it applies and the municipality is 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.

(8) Section 325 of the Municipal Act applies to any requirements made under clauses (6) (a) and (b) and to any requirements made under an agreement entered into under clause (6) (c).

(9) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (6) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

(10) Where the council of a municipality has designated a site plan control area under this section the council may, by by-law,

(a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4); and

(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). 1979, c. 59, s. 1.
41.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes.

(2) For the purposes of subsection (3), "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals. 1973, c. 168, s. 10, part.

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), the by-law may require that land be conveyed to the municipality for park purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. 1973, c. 168, s. 10, part; 1978, c. 87, s. 21 (2).

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section.

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister.

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 36 (11) apply with necessary modifications to all moneys so accepted.

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 36 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed
42.—(1) In this section, Interpre-

(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 29 (3) (b) or clause 29 (5) (a).

(2) Unless otherwise authorized by a by-law in force under section 39 or an order of the Minister made under clause 35 (1) (a), 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 (1) (b), 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 Savings 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 of an offence and on conviction is liable to a fine of not more than $1,000.

(5) In addition to any other remedy or penalty provided Right to restrain 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. 1976, c. 38, s. 3.
43.—(1) In this section,

(a) “committee” means a property standards committee established under this section;

(b) “occupant” means any person or persons over the age of eighteen years in possession of the property;

(c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;

(d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

(e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

(f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

(3) If,

(a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or

(b) the council of a municipality has adopted a policy statement as mentioned in subsection (2),

the council of the municipality may pass a by-law,
(c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;

(d) for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

(4) When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

(5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling place without the consent of the occupier except under the authority of a search warrant issued under section 142 of the Provincial Offences Act.

(6) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

(a) the municipal address or the legal description of such property;

(b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a
graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and

(c) the final date for giving notice of appeal from the order.

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

(12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

(13) The members of the 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* and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

(14) The members of the committee shall be paid such compensation as the council may provide.

(15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

(16) A majority of the committee constitutes a quorum and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (18) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

(17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

(18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

(19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (18) may appeal to a judge of the county or district court of the judicial district in which the property is situate by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

(a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes; and

(b) the appointment shall be served in the manner prescribed; and
(c) the judge on such appeal has the same powers and functions as the committee.

(20) The order, as deemed to have been confirmed under subsection (17), or as confirmed or modified by the committee under subsection (18), or, in the event of an appeal to the judge under subsection (19), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

(21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

(22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

(23) A by-law passed under the authority of this section may impose a penalty of not more than $500 upon an owner for each day that he is in contravention of an order that is final and binding. 1972, c. 118, s. 7.

44.—(1) When a by-law under section 43 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 43 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council
may prescribe. R.S.O. 1970, c. 349, s. 37 (1); 1972, c. 118, s. 8 (1); 1973, c. 168, s. 11.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. R.S.O. 1970, c. 349, s. 37 (2); 1972, c. 118, s. 8 (2).

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. R.S.O. 1970, c. 349, s. 37 (3).

45.—(1) In this section,

(a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

(b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 43 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.
(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

(6) Subject to subsection (7), the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of $20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon
payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Board and the Municipal Board shall hear the appeal and the Board on the appeal
has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Offence

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both.

Standards for health and safety remain in force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain proceedings stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 43 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

Application of s. 46 (1), par. 7

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 46 (1), but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures. 1974, c. 53, s. 6.

Building by-laws

46. — (1) By-laws may be passed by the councils of municipalities:

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying
to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

2. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material.

3. For authorizing the municipal architect or building inspector to permit, in special cases that in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 39 or a predecessor of that section.

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under the Architects Act or a member or licensee of the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act.

4. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels.

5. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.
6. For regulating, controlling and inspecting, subject to the *Boilers and Pressure Vessels Act*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

8. For regulating, subject to the provisions of the *Egress from Public Buildings Act*, the *Theatres Act* and the *Occupational Health and Safety Act*,

(a) the size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;

(b) the construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;

(c) the materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and

(d) for requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibiting the use or erection of them.
until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

9. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passageways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

(a) While any building mentioned in clause (a) of paragraph 8 in a city or town is occupied by a public assemblage, the chief of police or any constable of the city or town may enter it to see that the by-law is not being contravened, and may require the removal of any obstruction or of any person standing, sitting or otherwise occupying any hall, aisle, passageway, alley or approach, except for passing to and fro.

10. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line that is used by the public as part of the sidewalk on such street.

11. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and mode of construction as may be deemed proper, and for prohibiting the occupation of any such buildings unless such fire escapes are provided.

12. For regulating the construction, alteration or repairs of buildings.

13. For prohibiting the erection or placing, within defined areas, of buildings or additions to them without foundations and foundation walls or with external and party walls other than of brick, portland cement, concrete, steel, stone, tile, terracotta or other incombustible material or of one or more of such materials or other than partly of one or more of such materials and partly of other materials as the by-law may prescribe and also prohibiting roofing of other than incombustible material; provided,
however, that such by-laws may allow, in defined areas, buildings for prescribed purposes to be erected or placed not exceeding a prescribed size or height having walls of other than such materials or partly of one or more thereof and partly of other materials as the by-law may provide, with roofing of such materials as the council may determine according to the intended use of such buildings, and such by-laws may prohibit the erection or placing of more than the prescribed number of such buildings on any one lot or parcel of land.

(a) "Incombustible material" as applied to roofing in this paragraph means the material prescribed by the by-law with reference to each defined area.

(b) For the purposes of this paragraph, any area or areas in the municipality may be defined by the use of maps attached to the by-law, and the information shown on such maps forms part of the by-law to the same extent as if included therein.

14. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire proof.

15. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

16. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

17. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus that is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it.
18. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things that may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law.

19. For regulating the construction as to dimensions and otherwise of chimneys.

20. For regulating and enforcing the erection of party walls.

21. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

22. For requiring,

(a) any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;

(b) the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects;

(c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

23. For providing for the payment by the municipality not to exceed in any case $250, of not more than one-half of the cost,

i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects; and

ii. of rendering resistant to infestation by termites or other wood-destroying insects any
building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

(a) The amount of any loan made under a by-law passed under this paragraph, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper land registry office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto.

24. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada).
25. For requiring that public buildings to be erected, constructed or altered in the municipality be designed by and the specifications therefor be prescribed by and the erection, construction and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects under the *Architects Act* or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under the *Professional Engineers Act*.

(a) In this paragraph, "public buildings" means arenas, armories, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms, museums, passenger stations and depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly.

26. For requiring persons,

(a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or

(b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained.

(2) A by-law passed by the council of a township under any paragraph of subsection (1) may be made applicable to the township or one or more defined areas thereof as set out in the by-law. R.S.O. 1970, c. 349, s. 38.
47. The council of a county may enter into an agreement with one or more local municipalities for the appointment by the county of a building inspector for the administration of by-laws passed under section 46 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. R.S.O. 1970, c. 349, s. 39.

PART IV

COMMITTEES OF ADJUSTMENT

48.—(1) If a municipality has passed a by-law under section 39 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not less than three, as the council considers advisable. R.S.O. 1970, c. 349, s. 41 (1); 1972, c. 118, s. 9.

(2) A by-law passed under subsection (1) does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality. 1971, c. 2, s. 4.

(3) In subsection (4), “employee” does not include a teacher employed by a board of education or school board.

(4) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee of adjustment.

(5) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.
(6) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. R.S.O. 1970, c. 349, s. 41 (2-5).

(7) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. 1973, c. 168, s. 12.

(8) Subject to subsection (7), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

(9) The members of the 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.

(10) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose.

(11) The members of the committee shall be paid such compensation as the council may provide.

(12) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the Municipal Act applies with necessary modifications to such documents. R.S.O. 1980, c. 302

(13) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation. R.S.O. 1970, c. 349, s. 41 (7-12).

49.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan or is passed under section 39, or a predecessor of such section, or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion
is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

(i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

(3) In addition to its powers under subsections (1) and (2) and subject to section 31, the committee, upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 29, provided that the committee is satisfied that a plan of subdivision under section 36 of the land described in the application is not
necessary for the proper and orderly development of the municipality.

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

(5) The committee, before hearing an application, shall give notice thereof in such manner and to such persons as the committee considers proper. R.S.O. 1970, c. 349, s. 42 (1-5).

(6) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than $50. R.S.O. 1970, c. 349, s. 42 (6); 1971, c. 2, s. 5.

(7) The hearing of every application shall be held in public, and 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.

(8) The chairman, or in his absence the acting chairman, may administer oaths.

(9) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

(10) Any authority or permission granted by the committee under subsections (1) and (2) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. R.S.O. 1970, c. 349, s. 42 (7-10).

(11) The secretary-treasurer shall send by mail one copy of the decision, certified by him,

(a) to the Minister if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;

(b) to the applicant; and

(c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,
together with a notice of the last day for appealing to the Municipal Board.

(12) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (11), he shall also send to the Minister with such copy, the following:

1. A copy of the application to the committee certified by the secretary-treasurer.

2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.

3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.

4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection (11).

(13) The applicant, the Minister or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee notice of appeal accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the Ontario Municipal Board Act as payable on an appeal from a committee of adjustment to the Board, within twenty-one days after the sending of the notice under subsection (11).

(14) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (13) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (13) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Municipal Board. 1972, c. 118, s. 10 (1).

(15) If within such twenty-one days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1970, c. 349, s. 42 (14); 1972, c. 118, s. 10 (2).
(16) On an appeal to the Municipal Board, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine. 1976, c. 64, s. 6 (2).

(17) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.

(18) The costs on the appeal are in the discretion of the Municipal Board. R.S.O. 1970, c. 349, s. 42 (16, 17).

(19) When the Municipal Board makes an order on an appeal, the secretary of the Municipal Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality. 1976, c. 64, s. 6 (3).

(21) When a consent has been granted on an application under subsection (3), the secretary-treasurer shall, after the decision of the committee is final and binding under subsection (15), give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with and that, notwithstanding any other provision of this Act, the committee had jurisdiction to grant such consent and after the certificate has been given no action may be maintained to question the validity of such consent. R.S.O. 1970, c. 349, s. 42 (20); 1978, c. 93, s. 7.

PART V

GENERAL

50. 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 19 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 35 may be restrained by action at the instance of the Minister or the planning board of the planning area in
which the contravention took place or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. 1978, c. 93, s. 8.

51.—(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 Municipal Board unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay and, when the Minister has referred the matter to the Municipal Board, the approval or consent, as the case may be, of the Municipal Board has the same force and effect as if it were the approval or consent of the Minister.

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

(3) Where a draft plan of subdivision has been approved under subsection 36 (12), subsection (1) does not apply to the approval of the plan of subdivision under subsection 36 (15). R.S.O. 1970, c. 349, s. 44.

52. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board. 1974, c. 53, s. 7.

53.—(1) Notwithstanding clauses 1 (a) and (g), “council” for the purposes of this section and sections 54 and 55 means,

(a) the council of a city, town, village, township or county that has been designated by order of the Minister as a municipality to which may be delegated any of the Minister’s authority under this Act; and

(b) the council of a metropolitan, regional or district municipality. 1974, c. 53, s. 8, part.
(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act, under section 50 of the Condominium Act, R.S.O. 1980, c. 84, s. 302, subsection 298 (11) and subsection 306 (2) of the Municipal Act, under subsection 82 (3) of the Registry Act and under section 145 of the Land Titles 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. 1978, c. 93, s. 9.

(3) A delegation made by the Minister under subsection (2) may be subject to such conditions as the Minister may by order provide.

(4) The Minister may by order withdraw any delegation made under subsection (2) and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal. 1973, c. 168, s. 13, part.

54.—(1) Where the Minister has delegated any authority to a council under section 53, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and 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.

(2) A delegation made by a council under subsection (1) may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 53.
(3) A council may by by-law withdraw any delegation made under subsection (1) and the provisions of subsection 53 (4) apply with necessary modifications. 1973, c. 168, s. 13, part.

55.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 53 or 54, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision.

(2) Where there is an appeal under subsection (3), the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection (3) has expired.

(3) The applicant and each person who requested written notice of the decision referred to in subsection (1) may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under the Ontario Municipal Board Act, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection (1).

(4) Where a draft plan of subdivision has been approved under subsection 36 (12), subsection (3) does not apply to the approval of the plan of subdivision under subsection 36 (15).

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection (3), shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (3) to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board.

(6) On an appeal to the Municipal Board under subsection (3), the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the municipality as referred to in subsection (3) and to such other persons and in such manner as the Municipal Board may determine.
(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application. 1973, c. 168, s. 13, part.

56. The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act. R.S.O. 1970, c. 349, s. 45.

57.—(1) Subsection 39 (11) does not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the Weights and Measures Act (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

(a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or

(b) does not vary by more than 5 per cent any measurement so expressed.

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 39 or an order made by the Minister under section 35 does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1). 1978, c. 87, s. 21 (3).

58. In the event of conflict between the provisions of this Act and any other general or special Act, the provisions of this Act prevail. R.S.O. 1970, c. 349, s. 46.