



Staff Report

Planning and Development Services

Report To: Committee of The Whole
Meeting Date: February 21, 2018
Report Number: PDS.18.08
Subject: Bill 139, Building Better Communities & Conserving Watersheds Act
Prepared by: Michael Benner, Director of Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.18.08, entitled “Bill 139, Building Better Communities & Conserving Watersheds Act” for information purposes.

B. Overview

The purpose of this report is to provide Council with information relating to the Province’s new “Bill 139, Building Better Communities & Conserving Watersheds Act” an Act intended to overhaul the province's land use planning appeal system by replacing the Ontario Municipal Board with a Local Planning Appeals Tribunal, and better preserve the province’s natural environment through updates to the Conservation Authorities Act.

C. Background

Ontario has introduced legislation to overhaul the province's land use planning appeal system and better preserve the province’s natural environment.

Bill 139, the “Building Better Communities and Conserving Watersheds Act”, received Royal Assent on December 12, 2017, and introduces changes to the Planning Act to give communities a stronger voice in land use planning. The new act creates a Local Planning Appeal Tribunal (LPAT) to replace the Ontario Municipal Board (OMB) and ensures people have access to faster, fairer and more affordable hearings. The proposed changes also create the Local Planning Appeal Support Centre. This agency would provide free information and support for citizens who want to participate in the land use planning appeal process.

The proposed legislation also modernizes the Conservation Authorities Act and guides the conservation of Ontario's watersheds. The legislation strengthens oversight and accountability, provides clarity for conservation authority roles and responsibilities, encourages public engagement and modernizes funding mechanisms. These proposed changes will enable conservation authorities to support future provincial priorities and give them the flexibility to address growing environmental pressures.

D. Analysis

While the Act itself is now in force, the Schedules to the Act (which contain the legislative amendments) have yet to come into force on a day to be named by proclamation of the Lieutenant Governor. There is currently no firm date for proclamation. Indications from the Ministry of Municipal Affairs is that proclamation will occur once the rules and regulations applicable to the new LPAT, which replaces the OMB, are finalized. This is anticipated for the spring of 2018.

A key issue will be the transition between the current planning appeals system under the jurisdiction of the OMB to the new planning appeals system under the jurisdiction of the LPAT. In December, the Province posted a summary of its proposed transition regulations on the Environmental Registry and commenced a 45-day public comment period.

Assuming the transition regulation is ultimately issued as proposed, and based on the joint-Ministry statement on transition, the following summary on the transition from the OMB to the LPAT was offered by Aird & Berlis LLP's Municipal & Land Use Planning Group:

For Planning Act applications:

- Appeals received by the OMB before December 12, 2017 will stay at the OMB.
- Complete applications filed before December 12, 2017 that are then appealed before the date of proclamation will stay at the OMB.
- Appeals for complete applications that are received after December 12, 2017 will go to the LPAT after proclamation.
- Any appeals filed after proclamation (decisions or non-decisions) will go to the LPAT.

The following restrictions will apply where a decision on the relevant matter is issued after proclamation:

- No appeals of Ministerial Zoning Orders.
- No ability to appeal an Interim Control By-law (ICBL) for one year.
- No ability to apply to amend an approved Secondary Plan.

With respect to appeal and approval timelines:

- The extended appeal timelines (210 days for OPAs; 150 days for ZBAs; 210 days for a combined OPA/ZBA) now apply to complete applications.
- The approval authority's timeline in which to approve an adopted OP/OPA is now 210 days instead of 180 days.

Planning staff are closely monitoring this legislation as it nears proclamation. As information becomes available Aird Berlis is also offering webinars on this topic.

Planning staff will report on additional information regarding Bill 139 as it becomes available in the coming months.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #3: Manage Growth and Promote Smart Growth
Objective #4: Commit To Sustainability

F. Environmental Impacts

Bill 139 will strengthen and clarify Conservation Authority roles and responsibilities.

G. Financial Impact

None, at this time. It is difficult to predict what impact replacing the OMB with a LPAT will have on municipal budgets until further information is provided on the mechanisms to be put in place to support a LPAT at the local level.

H. In consultation with

Planning staff, legal counsel

I. Attached

none

Respectfully Submitted,

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Michael Benner, Director of Planning and Development Services
planning@thebluemountains.ca
519-599-3131 extension 246