

Bill 73 – Smart Growth for our Communities Act

Changes to the Planning Act, RSO, 1990

In Effect as of July 1st 2016






Background

- March, 2015 – Ministry of Municipal Affairs and Housing released Bill 73 – Smart Growth for our Communities Act;
- May, 2015 - County Council provided comments to the Province on the draft changes;
- December 23, 2015 – Bill received Royal Assent;
- Changes came into effect upon Proclamation – July 1st, 2016.


Key Highlights from Bill 73

A summary report with recommendations went to County Committee of the Whole in June, 2016.

- The Province will now review the PPS every 10 years, rather than every 5 years.
- New local OP's and ZBL's can also be reviewed on a 10 year cycle with no amendments for 2 years unless a resolution by Council to allow the application(s).
- A new requirement that upper tier municipalities appoint a PAC with at least one resident of the Municipality that is neither an employee or a Councillor. (Sustainable Huron Committee)

- 
- OP's to contain a description of the measures and procedures for informing and obtaining the views of the public for planning applications.
 - Notice of decisions to include a brief explanation of the effect, if any, that written and oral submissions received from the public and agencies had on the decision
 - Option discussed with County Council was to include the following wording in the motion for decisions on planning applications:

“Council considered all oral and written submissions made on this application, the effect of which helped Council make an informed decision.”

- 
- Requirement for clearer reasons for appeals to the OMB e.g. explanation of how the decision fails to be consistent with the PPS or conform to Official Plan.
 - Removes ability to appeal an entire new Official Plan, but not to appeal part of an OP.
 - No Minor Variance for 2 years after a site specific Zoning By-law Amendment, unless Council has declared by resolution that the application for the variance is allowed. The resolution may allow a specific request, a class of requests or requests in general.
 - Require detailed reporting for municipal collection of parkland fees. The Treasurer will be required each year to give Council a financial statement on the special parkland account.

- Email is an option available for notices related to: public meetings, open houses, passing (for ZBL, M.Var., Consents. P of S) adoption and decision (for OP) and may be used for required agencies, persons requesting notice, County, and MMAH.

Alternative Dispute Resolution (ADR) Techniques

- Official plans, zoning by-laws, subdivisions, consents only (not minor variances).
- Once notice is given of intention to use ADR the 15 day period for forwarding material to OMB increases to 75 days.
- FYI, it's not Bill 73-related but OMB appeal fee increased to \$300 starting July 1st.