

#	Proposed Bill 51 Changes	Act Section	Regional Comments
OMB Reform			
1	Approval authorities or the Ontario Municipal Board make decisions relating to planning matters, they are required to have regard to decisions made by municipal councils and approval authorities relating to the same planning matters.	Section 2.1	Consistent with municipal requests and discussions during OMB reform reviews by the Region Support
2	Appeals to the Ontario Municipal Board in respect of amendments to official plans and zoning by-laws involving the reduction of designated areas of employment are restricted.	Subsections 22 (7.1) to (7.3) Subsection 34 (11.0.3)	Loss of designated employment lands previously identified as critical issue where demand exceeds supply. Support
3	Ontario Municipal Board hearings with respect to OPs OPAs, Zoning Bylaws Subdivision are generally limited to the information and parties that were before the municipal council whose decision is appealed.	Subsections 17 (24.1), (36.1) and (44.1) to (44.6) Subsections 34(11.0.2), (19.1) and (24.1) to (24.6) subsections 51 (39.1) and (52.1) to (52.6)	No person, other than public body can be added as a party to a hearing unless oral or written submissions were made to Council before adoption, or OMB considers there are reasonable grounds; Information and material admitted into evidence by the OMB limited to information available to municipal Council when decisions made, except where additional information may be introduced by a public body, or OMB is of opinion it was not reasonably possible to provide the information and material before Council decision then OMB shall notify Council and give it opportunity to reconsider its decisions and make recommendation to OMB maybe onus of region and area

			municipalities to include OP criteria on information required for complete application Support
4	The Ontario Municipal Board's power to determine appeals of ministerial zoning orders under section 47 is restricted if the Minister is of the opinion that all or any part of the requested changes adversely affect matters of provincial interest. In that case, the determination is made by the Lieutenant Governor in Council.	Subsections 47 (13.1) to (13.5)	If OMB decision on Zoning order adversely affect Provincial interest then decision to be made by Cabinet Provincial Interest defined under section 2.1 broad but defined. Little anticipated impact to Region Support
Implementing Places to Grow			
5	List of matters of Provincial interest in section 2 of the Act expanded to include: - the promotion of development that is designed to be sustainable, - to support public transit and to - be oriented to pedestrians.	Section 2.1	Additional provincial interests proposed changes are consistent with directions in the PPS and Places to Grow. Support
6	Act is rewritten to require that municipal and provincial planning decisions and documents be consistent with and conform with the provincial policy statements and provincial plans that are in existence when the decisions are made or the documents are issued.	Subsections 3 (5) and (6)	Proposed changes ensure that decisions are made in context of current Policy framework, however not clear whether this policy also binds OMB in its decisions making. Support with request for clarification and confirmation that proposed changes also bind the OMB in its decision making
7	The scope of community improvement plans is expanded. Upper-tier municipalities are	Section 28	Permits upper tier municipalities to assist local municipalities in community

	permitted to establish community improvement plans for limited purposes, and municipalities at each level may participate financially in the other level's community improvement plan		improvements plans and funding arrangement for prescribed purposes to facilitate environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities Support, but will require ROPA and Local OPA to establish policies for community improvements areas and involvement
8	The Bill clarifies that municipalities' power to regulate the density of development includes power to regulate minimum and maximum height, and minimum as well as maximum density. Municipalities are authorized to impose conditions on zoning.	Subsections 34 (3), (16) and (16.1)	Intended to assist municipalities in intensification areas to direct development and provide for a higher standard of urban design through by-law. This tool is one of the requests by the Region in reviewing and commenting on Places to Grow. Support
9	The Bill amends section 41 to expand the municipal ability to deal through site plan with matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-	Section 41	Council has identified the need to provide a higher level of urban design when dealing with intensification development. These changes will permit greater detail to be paid to the architectural elements associated with buildings to create more liveable communities

	law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality.		Support
10	Municipalities may establish second unit policies as of right, without appeal to the Ontario Municipal Board.	Subsections 17 (24.2) and (36.2) and 34 (19.2)	Regional Council previously identified need for second suites as-of-right. However OPA and Zoning bylaws required with onus on the area municipalities to proceed as opposed to a mandated Provincial requirement to provide for them No appeal permitted for second suite OPAs and ZB's unless included in OP through 5-year review under section 26 of Planning Act. Regional staff is of the opinion that regardless how second-suite policies are included, they be exempt from appeal Support, but Province could have legislated this as a requirement . No appeal of second suite provisions in OP's and ZB's regardless of whether they are included by 5-year review process
11	The Lieutenant Governor in Council may, by regulation exempt from the Planning Act approval process undertakings that relate to energy and have been approved or exempted under the Environmental Assessment Act.	Section 62.0.1 of Act	Issues relating to what types of "energy" undertakings to be included in Regulation. Support as streamlining measure, but recommend review and consultation on regulation and limiting exemption to wind power

			generation facilities, that have been approved under a minimum Schedule C Class EA process as a first step
Process Changes			
12	Municipalities that meet the minimum requirements will have power to establish optional local appeal bodies that would deal with consents, variances and conditions instead of the Ontario Municipal Board.	Section 8.1	May streamline conduct of intensifications in some areas, but not anticipated to be major impact in region at this time Support
13	Requirements for public notice, information and consultation for OP's, OPA's ZB's are enhanced	Subsections 17 (15) to (17.3) and (19) subsections 22 (3.1) and (5) to (6.3) subsections 34 (10.0.1), (10.2) to (10.6), (12) to (13.3) and (14.1)	Requires the addition of a <i>public open house</i> not less than 7 days before the statutory meeting for those applications, with prescribed notice provisions. Unless oral or written submissions made to Council before the decision, a person is not entitled to appeal the decision ROP may contain alternative notice provisions There are issues with requiring public open houses in all OP cases. The Province should delete this provision to allow ROP policies to determine public participation methods. Support limits on appeal entitlement
14	Section 26 of the Act currently requires	Section 26	Proposed changes require that the Plan

	municipalities with official plans to hold special meetings that are open to the public, at least every five years, to determine whether official plan revisions are needed. The section is rewritten to strengthen and clarify the requirement to update official plans with respect to provincial plans, matters of provincial interest, provincial policy statements and designated areas of employment.		be updated to conform with provincial plans, have regard to matters of provincial interest and be consistent with, provincial policy statements. Where the Plan contains policies relating to areas of employment, the proposed changes require that the policies be confirmed or amended Support
15	Regulations may be made to specify additional matters to be included in official plans.	Subsections 16 (1) and (2)	Minor wording changes specify the elements that an Official Plan <i>shall</i> contain and the elements an Official Plan <i>may</i> contain including measures and procedures to attain the objectives of the plan and measures and procedures for informing and obtaining the views of the public for proposed OP's, OPA's and ZB's Not anticipated to become major issue and already accommodated in ROP Support
Amendments to Conservation Land Act and Consequential amendments to other Acts			
The Conservation Land Act			
16	The purposes for which conservation easements and covenants may be established under the Conservation Land Act are expanded to include protection of water quality and quantity, watershed protection and management, and further purposes that may be added by regulation. Technical	Subsections 3 (2), (2.1), (2.2), (6.1), (6.2) and (11) of Ac	Consistent with Regional Greening initiatives, supports Sustainable development approach and is consistent with Source water protection initiatives

	amendments are made to facilitate the creation and preservation of conservation easements and covenants. Construction and demolition on land that is subject to a conservation easement or covenant requires the consent of the conservation body that is a party to the easement or covenant. Provision is also made for registries of conservation easements and covenants, to be established by regulation.		Support
17	The <i>Planning Act</i> is amended to ensure that the subdivision control and part-lot control provisions of section 50 do not interfere with the creation of conservation easements and covenants.(Subsections 20 (1) and (2) of Bill)	section 50	Consistent with Regional Greening initiatives and supports Sustainable development approach Support
The Conveyancing and Law of Property Act			
18	Amended to provide that conservation easements and covenants, unlike easements and covenants in general, are not subject to being modified or discharged by a court. (Section 30 of Bill)		Consistent with Regional Greening initiatives and supports Sustainable development approach Support
The Land Titles Act			
19	Amended to exempt conservation easements and covenants from various technical restrictions that apply to easements and covenants in general. (Section 32 of Bill)		Consistent with Regional Greening initiatives and supports Sustainable development approach Support
The Municipal Act, 2001			
20	Amended to clarify that land sold for tax arrears remains subject to conservation easements and covenants. (Subsections 33		Consistent with Regional Greening initiatives and supports Sustainable development approach

	(2) and (3) of Bill)		Support
Duffins Rouge Agricultural Preserve Act, 2005 (Bill 16) (applies only if Bill16 receives Royal assent)			
21	Amended to deal with conservation easements and covenants and their use		Consistent with Regional Greening initiatives and supports Sustainable development approach
Budget Measures Act (No. 2), 2005 (Bill 18) (applies only if Bill18 receives Royal assent)			
22	Amended numbering in Bill 18		No impact