



# Major Changes to Zoning Law Proposed in Ontario's Bill 66

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On December 6, 2018, Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, was announced by the Government of Ontario and underwent first reading at the Legislature. If passed, Bill 66 would introduce amendments to a variety of statutes, most notably introducing significant and unprecedented changes to the *Planning Act*.

Proposed section 34.1 would allow municipalities to pass "open-for-business planning by-laws" (OFB ZBLs). The Province's Description of the Regulation describes this new zoning power as a tool to ensure that municipalities can act quickly to attract business seeking development sites. The description of the regulation further suggests that an OFB ZBL will be limited to proposals for new major employment uses.

## OFB ZBL Exemptions from Planning Act Requirements

As proposed, an OFB ZBL enacted under subsection 34.1 of the *Planning Act* would be exempt from a wide range of planning regulations.

Act	Regulations Not Applicable	What this means for an OFB ZBL
	Subsection 3(5)	An OFB ZBL need not be consistent with policy statements or conform to provincial plans.
	Section 24	An OFB ZBL need not to conform to an upper or lower tier Official Plan, as may be applicable.
<a href="#">Planning Act</a>	Section 36	An OFB ZBL is not affected by a holding by-law.
	Section 37	Bonusing is not permitted with respect to an OFB ZBL
	Section 41 (section 114 of the <i>City of Toronto Act</i> )	Site plan approval would not be required for development approved under an OFB ZBL

<a href="#"><u>Clean Water Act, 2006</u></a>	Section 39	An OFB ZBL would be exempt from source water protection policies.
<a href="#"><u>Great Lakes Protection Act, 2015</u></a>	Section 20	An OFB ZBL would be exempt from conformity requirements
<a href="#"><u>Greenbelt Act, 2005</u></a>	Section 7	An OFB ZBL need not conform with the <i>Green Belt Act</i> .
<a href="#"><u>Lake Simcoe Protection Act, 2008</u></a>	Section 6	An OFB ZBL need not conform to or have regard to Lake Simcoe Protection Plan policies.
<a href="#"><u>Metrolinx Act, 2006</u></a>	Subsection 31.1(4)	An OFB ZBL need not be consistent with designated polices in a transportation planning policy statement.
<a href="#"><u>Oak Ridges Moraine Conservation Act, 2001</u></a>	Section 7	An OFB ZBL need not conform to the Oak Ridges Moraine Conservation Plan.
<a href="#"><u>Ontario Planning and Development Act, 1994</u></a>	Section 13	Such by-law may conflict with a development plan that is in effect. It also appears that were such by-law is in effect; public works need not conform to the development plan in effect.
<a href="#"><u>Places to Grow Act, 2005</u></a>	Subsection 14(1)	An OFB ZBL need not conform with the Growth Plan.
<a href="#"><u>Resource Recovery and Circular Economy Act, 2016</u></a>	Section 12	An OFB ZBL need not be consistent with applicable policy statements.

## OFB ZBL Enactment Process

Bill 66 would allow municipalities to pass OFB ZBLs through a streamlined process with relatively relaxed procedural requirements. An OFB ZBL would first need to be approved by the Minister. Approval by the Minister would need to be requested by the municipality through resolution and accompanied by the prescribed information.

Forthcoming regulations will likely provide additional information regarding the permitted purposes for which OFL ZBLs may be enacted and the preconditions for doing so. Nonetheless it likely that the required information will include description of the subject lands, land use planning information, and open-for-business information which would include details about the proposed employment opportunity. Prior to an OFB ZBL coming into force, the Minister may modify or revoke an OFB ZBL. If the Minister enacts an order to modify the OFB ZBL it will be deemed passed by the municipality with the modifications specified in that order. If the Minister makes an order revoking an OFB ZBL it will be deemed never have been passed by the municipality. An OFB ZBL may also be amended or revoked by a

by-law passed under section 34. Any amendment that amends or revokes conditions enacted under section 8 requires notice to be provided by the municipality to the owner of the land which the OFB ZBL applies.

Bill 66 would amend the appeal and notice provisions of Section 34 of the Planning Act, such that person can apply for an amendment to the OFB-ZBL during the two-year period following its passage; an OFB-ZBL cannot be appealed to the LPAT; and, a municipality is not required to hold public meetings with respect to an OFB-ZBL

## Status of Bill 66

The proposed legislation is undergoing a public review. The Environmental Register is accepting submissions with respect to these regulations; the **deadline for submissions is January 20, 2019**. Online comments [can be submitted electronically](#) via the Environmental Registry website.

*Stikeman Elliott LLP will be monitoring the progress of Bill 66 and the regulations affecting the Planning Act. For further details please contact Calvin Lantz at [CLantz@stikeman.com](mailto:CLantz@stikeman.com) and 416-869-5669.*

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