

CITIZENS' GUIDE



THE PLAN REVIEW AND APPROVAL PROCESS



IN A SERIES
Updated 2010

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps decide where in our communities homes and factories should be built; where parks and schools should be located; and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

But often we don't see how it affects our lives and property each day. And it often seems confusing. A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures.

The titles of the guides are:

- 1. The Planning Act**
- 2. Official Plans**
- 3. Zoning By-laws**
- 4. Subdivisions**
- 5. Land Severances**
- 6. Ontario Municipal Board**
- 7. Northern Ontario**
- 8. Building Permits**
- 9. The Plan Review and Approval Process**

Who is the approval authority?

Traditionally, the approval authority for land use planning has been the Minister of Municipal Affairs and Housing and, in some cases, a municipality. To support increased local autonomy in land use planning, the province has transferred approval authority to municipal councils, municipal planning authorities and planning boards, where possible.

This delegation or assignment of approval authority allows the province to concentrate on policy development and advocacy in land use planning.

The Ministry of Municipal Affairs and Housing has prepared a table that summarizes where planning authority resides in Ontario. For a copy of the table, you can go to the Ministry's website at ontario.ca/mah.

Where the province remains the approval authority, a One Window Planning Service for provincial input, review, approval and appeal of planning applications is in place.

The provincial One Window Planning Service is the process whereby the Ministry of Municipal Affairs and Housing provides municipalities, municipal planning authorities, planning boards, developers and the public with one-stop access for provincial planning services.

This One Window approach provides a single provincial position which integrates the perspective of several ministries: Environment; Natural Resources; Transportation; Tourism and Culture; Agriculture, Food and Rural Affairs; Northern Development, Mines and Forestry; and Infrastructure.

What is municipal plan review?

Municipal plan review is the process of making decisions on planning applications where the municipality or planning board is the approval authority. The province does not generally review and comment on planning applications under municipal plan review unless requested to do so.

Many municipalities and planning boards have the responsibility for making decisions on planning applications. In some instances, municipal council may delegate the approval authority to a committee of council or senior staff.

When a municipality, municipal planning authority or planning board is the approval authority, it must ensure that provincial interests are integrated in its consideration of local planning interests.

How are provincial interests protected?

The Provincial Policy Statement which came into effect March 1, 2005, contains clear, overall policy directions on matters of provincial interest related to land use planning and development. When decision-makers exercise any authority that affects a planning matter, the Planning Act requires that they "shall be consistent with" the Provincial Policy Statement. This means that a decision-maker is obliged to ensure that the policies in the Provincial Policy Statement are applied as an essential part of the land use planning decision-making process. Refer to Citizens' Guide No. 1, The Planning Act, for an explanation of the Provincial Policy Statement and Section 2 of The Planning Act for a list of provincial interests.

The province shares land use data and technical information with the municipalities, municipal planning authorities and planning boards. This information sharing and related training is an ongoing process that assists approval authorities in fulfilling their role under municipal plan review, including protecting provincial interests.

Appeals to the Ontario Municipal Board

Decisions of an approval authority on a planning application can generally be appealed to the Ontario Municipal Board by any person or public body that has made an oral submission at the public meeting or made a written submission to the approval authority before it makes a decision. If they have not, then they cannot appeal in most cases. In the case of appeals, the approval authority must then forward the application to the OMB for a hearing. Specific information regarding the appeal process is provided in Citizens' Guide No. 6, Ontario Municipal Board.

The Ministry of Municipal Affairs and Housing is the only provincial ministry that can file appeals to the OMB unless the Minister of Municipal Affairs and Housing has, by regulation, added a specific provincial ministry that can appeal on its own.

When the Ministry of Municipal Affairs and Housing launches an appeal of a municipal decision, the process is coordinated between other ministries with interests in land use planning to ensure that provincial policy positions are integrated to allow for a strong, coordinated case before the OMB.

A decision of the Ontario Municipal Board is final except, when at least 30 days before a hearing is held, the Minister of Municipal Affairs and Housing declares that an official plan, official plan amendment, zoning by-law, holding provision by-law or Minister's zoning order matter before the Ontario Municipal Board may adversely affect a provincial interest. In such cases, after a hearing is held and the Board renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the Board's decision on the matter.

How do I get my application approved?

The review and approval process for changes to land use is generally the same for all types of planning applications.

Your first step should be to talk to local municipal staff. They can let you know if the change is possible, what issues you might encounter and how you should apply. They can also tell you who the approval authority is for your particular application.

Next, you should consult with the approval authority to discuss your application and to determine what information is required for a complete application. In cases where the local municipality is the approval authority, the first two steps may be carried out at the same time.

Your application for changes to land use should be submitted to your local municipality or the approval authority as appropriate. The approval authority will make the decision to approve or refuse your application and inform you of that decision.

An approval authority may refuse to accept an application that it deems to be incomplete because it fails to provide the information and material identified by Minister's regulation and other information required by the municipality. If an approval authority confirms that an application is incomplete, the applicant has 30 days to make a motion to the Ontario Municipal Board for determination on the matter. The Board's decision is final.

Refer to the companion Citizens' Guides for slight variations to the process. For example, Citizens' Guides No. 2, 3, 4 and 5 describe the various land use planning applications.

What type of information is required?

A typical application form identifies the information that is required by the approval authority in order to consider the proposed change in land use. All required information must be included with the completed application form.

You should be aware that if you do not provide all the required information and fee, the approval authority may refuse to accept or to consider your application. The legislated time frame for making a decision does not begin until all the required information and fee are received.

The time it takes to process an application varies. Your municipality, municipal planning authority or planning board can provide you with an estimate of the time it may take for a decision to be made.

How important is early consultation?

It is very important to consult with the approval authority at the beginning of the planning process, before submitting a planning application. This will ensure a timely consideration of the application.

During the early consultation, you should meet with the approval authority to discuss your application and to clarify what information is required for a complete application. This will ensure that the approval authority has all the information required to make an appropriate decision without incurring unnecessary delays.

Is there a different approval authority for different planning applications?

Yes, the approval authority may vary depending on the municipality and the type of planning application. Contact your municipality to determine who is the approval authority for your particular planning application.

Who approves official plan amendments and how?

The approval authority for official plans and plan amendments is either the upper-tier municipality or the Ministry of Municipal Affairs and Housing, depending on the delegation/assignment of approval authority. It approves official plans and plan amendments, unless the plan or plan amendment is exempted from approval.

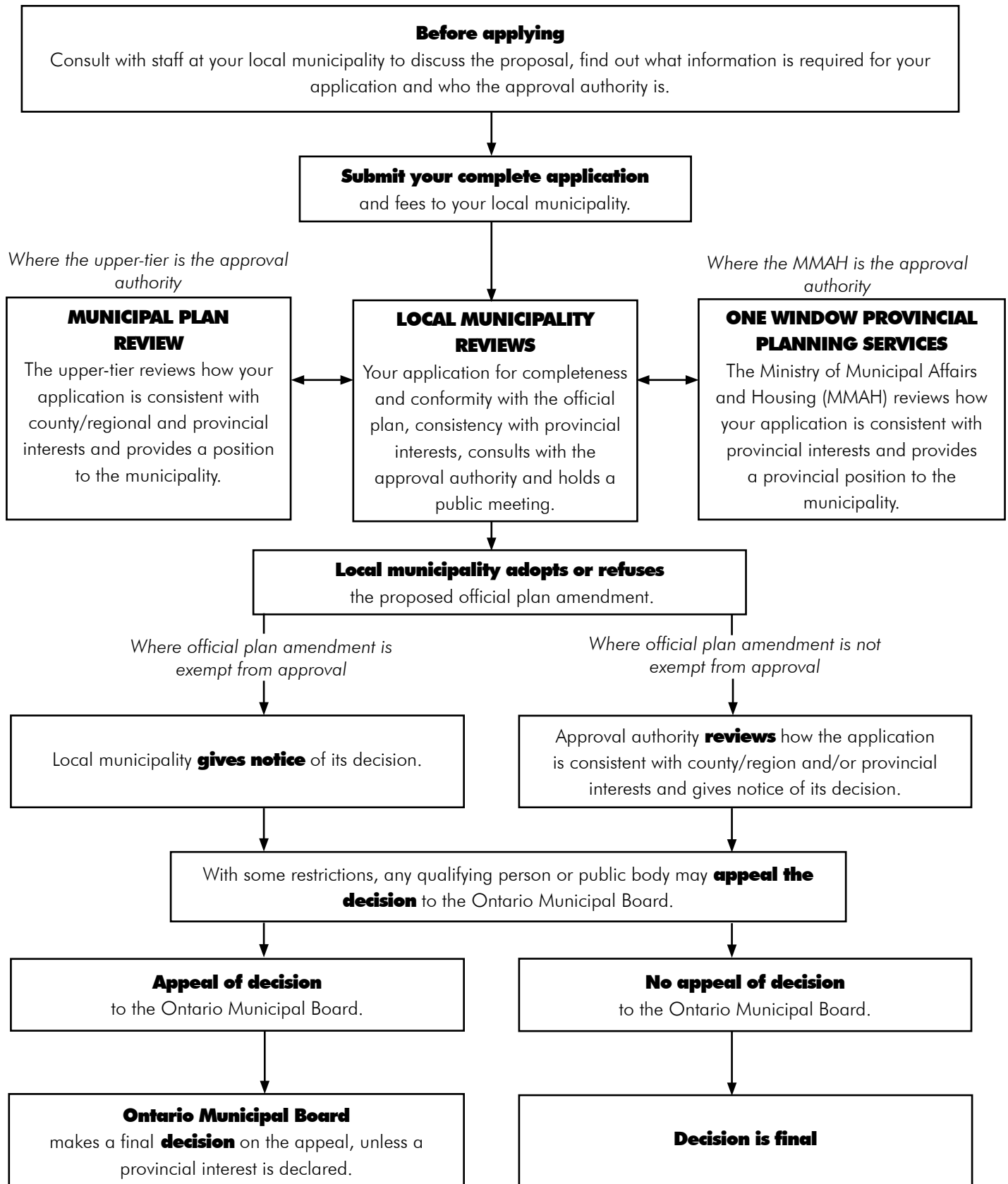
The local municipality reviews and considers official plan amendment applications. It will consult with the approval authority as part of this process. If the Ministry of Municipal Affairs and Housing is the approval authority, it will provide a One Window input and review service. If the upper-tier municipality is the approval authority, it will conduct a municipal plan review. The upper-tier may ask for provincial input regarding provincial interests in proposed new local official plans and major policy amendments, using the provincial One Window Planning Service.

In some cases, the amendment may be exempt from formal approval by the approval authority. In such cases, the local municipality simply gives notice of its decision, there is a 20-day appeal period and, in the event of an appeal, the OMB makes the final decision.

The diagram on the next page shows the planning review process for official plan amendments.

Refer to Citizens' Guide No. 2 for more information on official plans and amendments.

Planning Review Process for Official Plan Amendments



This flowchart focuses on the basic process – some steps are not shown.

Who approves plans of subdivisions and how?

Over time, more and more municipalities, municipal planning authorities and planning boards will become the approval authorities for plans of subdivision. Through municipal plan review, they will identify and protect provincial interests in their review and decisions on plans of subdivision. Provincial ministries may provide technical input where needed.

Where the Ministry of Municipal Affairs and Housing is still the approval authority, it will provide a One Window input, review and approval service.

Refer to Citizens' Guide No. 4 for more information on subdivisions.

Who approves applications for consent/severance and how?

All authorities that are responsible for granting consents to sever land (i.e. municipal council or its delegate, or planning board) provide municipal plan review services for consents. Provincial ministries do not perform site-specific reviews; however, they may still provide technical information where needed.

There is an exception in some parts of Northern Ontario where the Ministry of Municipal Affairs and Housing is still the authority responsible for granting consents. In such cases, it provides a One Window input, review and approval service.

The diagram on the next page shows the planning review process for subdivisions and land severances.

Refer to Citizens' Guide No. 5 for more information on land severances.

Who approves zoning by-laws and how?

The municipal council decides whether to pass or refuse an amendment to its zoning by-law. When a municipality undertakes site-specific rezoning, it will identify and protect provincial interests in its review and decision. There is no requirement for review by provincial ministries, allowing for greater local autonomy in zoning review and approval.

However, when a municipality undertakes a comprehensive zoning review (e.g. zoning by-law that covers everything within its jurisdiction), the Ministry of Municipal Affairs and Housing will act as the one window input and review body regarding provincial interests.

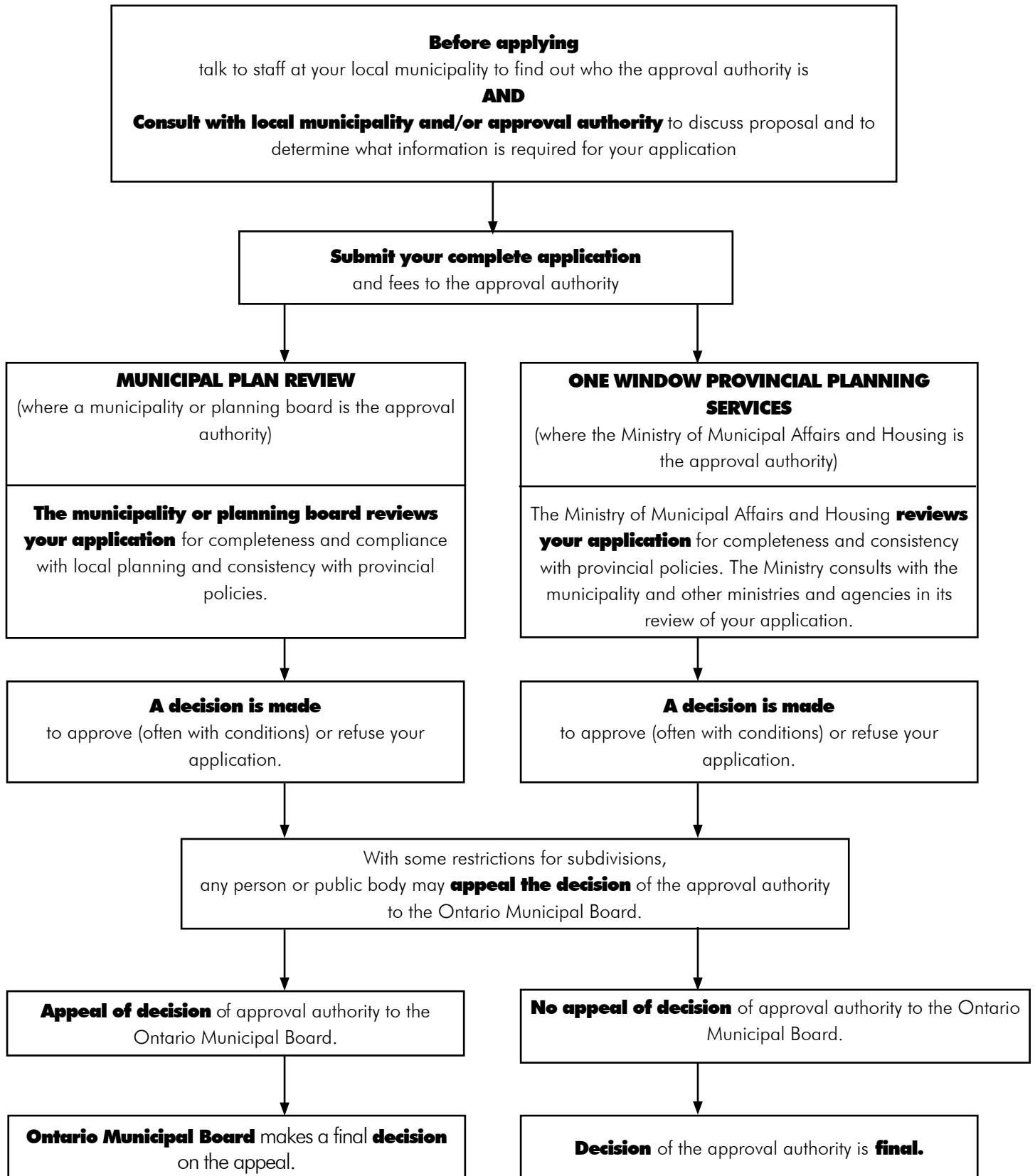
Refer to Citizens' Guide No. 3 for more information on zoning by-laws.

How does this plan review process benefit you?

The plan review process, which involves either municipal plan review or the provincial One Window Planning Service, benefits individuals involved in land use planning. It:

- **Saves time** by reducing duplication between government agencies or ministries.
- **Streamlines the process** by having clearly defined roles and lines of communication.
- **Allows for local decision making** as an increasing number of municipalities or planning boards take on the responsibility for making decisions on planning applications.
- **Provides clarity through** a co-ordinated provincial position on planning applications.

Planning Review Process for Subdivision and Land Severances



This flowchart focuses on the basic process – some steps are not shown.

How can you find out more?

For more information about land use planning in your community contact your municipal clerk or planning department. For more information about land use planning in Ontario, or how to obtain copies of Citizens' Guides visit the Ministry of Municipal Affairs and Housing website at: ontario.ca/mah or contact your nearest Municipal Services Office (MSO):

Central Municipal Services Office

777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
General Inquiry: 416-585-6226
Toll Free: 800-668-0230

Western Municipal Services Office

659 Exeter Road, 2nd Floor
London ON N6E 1L3
General Inquiry: 519-873-4020
Toll Free: 800-265-4736

Northwestern Municipal Services Office

435 James Street South, Suite 223
Thunder Bay ON P7E 6S7
General Inquiry: 807-475-1651
Toll Free: 800-465-5027
(Thunder Bay, Kenora, Rainy River)

Eastern Municipal Services Office

8 Estate Lane, Rockwood House
Kingston ON K7M 9A8
General Inquiry: 613-545-2100
(Frontenac, Leeds & Grenville, Lennox & Addington)
Toll Free: 800-267-9438
(Ottawa, Prescott-Russell, Prince Edward, Stormont, Dundas/
Glengarry, Kawartha Lakes, Renfrew, Peterborough,
Haliburton, Hastings, Lanark, Northumberland)

Northeastern Municipal Services Office

159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
General Inquiry: 705-564-0120
Toll Free: 800-461-1193
(Cochrane, Algoma, Manitoulin, Sudbury, Parry Sound,
Nipissing, Timiskaming)

For More Information

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Provincial Planning Policy Branch (416) 585-6014

Website: ontario.ca/mah

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