



Citizen's guide to land use planning

Learn about the rules and processes municipalities follow for community development and growth in Ontario.

Overview

Land use planning helps municipalities manage land and resources and guides decisions about where:

- to build homes and factories
- to put parks and schools
- roads, sewers and other essential services are needed

Land use planning helps each community to set development goals while keeping social, economic and environmental factors in mind. It also balances the interests of individual property owners with the wider interests of the whole community.

Read this guide to learn more about land use planning, including the *Planning Act*, official plans, and zoning bylaws. This guide is for information only and offers a summary of legislation and policies that are subject to change. It is **not** a legal interpretation of the [Planning Act](#) or any other act.

How you can find out more

For more information about land use planning in your community, contact your [municipality](#).

For more information about land use planning in Ontario, contact your nearest [Municipal Services Office](#).

This guide was produced by the [Ministry of Municipal Affairs and Housing](#), Provincial Planning Policy Branch, (416) 585-6014

ISBN number: 978-1-4868-3160-9

The Planning Act

The [Planning Act](#) (the act) is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

The purpose of the act is to:

- promote sustainable economic development in a healthy natural environment within a provincial policy

framework

- provide for a land use planning system led by provincial policy
- integrate matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Policy Statement and conform/not conflict with provincial plans
- provide for planning processes that are fair by making them open, accessible, timely and efficient
- encourage co-operation and coordination among various interests
- recognize the decision-making authority and accountability of municipal councils in planning

The act provides the basis for:

- considering provincial interests, such as protecting and managing our natural resources
- preparing official plans and planning policies that will guide future development
- a variety of tools that municipalities can use to facilitate planning for the future
- establishing a streamlined planning process which emphasizes local autonomy in decision-making
- exempting official plans and official plan amendments from provincial or upper-tier approval (See [section 2](#), Official plans)
- regulating and controlling land uses through zoning bylaws and minor variances (See [section 3](#), Zoning bylaws)
- dividing land into separate lots for sale or development through a plan of subdivision or a land severance (See [section 4](#), Subdivisions and [section 5](#), Land severances)
- ensuring the rights of local citizens to be notified about planning proposals, to give their views to their municipal council and, where permitted, to appeal decisions to the [Local Planning Appeal Tribunal](#) (LPAT) or in some cases, a municipal Local Appeal Body (LAB) where a LAB has been established by a municipality. The LPAT and LAB are independent administrative tribunals responsible for hearing appeals and deciding on a variety of contentious municipal matters (See [section 6](#), Local Planning Appeal Tribunal)
- establishing local planning administration, including planning boards in Northern Ontario (See [section 7](#), Northern Ontario)
- allowing that provincial appeals can only be made through the Ministry of Municipal Affairs and Housing (See [section 9](#), The plan review and approval process)

The role of the province

The province:

- issues provincial policy statements under the *Planning Act*
- promotes provincial interests, such as protecting farmland, natural resources and the environment, and promotes development that is designed to be sustainable, supportive of public transit and oriented to pedestrians
- prepares provincial plans e.g. Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe
- provides one-window planning service to municipalities through the Ministry of Municipal Affairs and Housing, the primary provincial contact for advice and information on land use planning issues
- gives advice to municipalities and the public on land use planning issues
- administers local planning controls and gives approval where required

The role of municipalities

The municipality:

- makes local planning decisions that will determine the future of communities
- prepares planning documents, such as:
 - an official plan, which sets out the municipality's general planning goals and policies that will guide future land use
 - zoning bylaws, which set the rules and regulations that control development as it occurs
- ensures planning decisions and planning documents are consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans

The Planning Act also gives planning boards in Northern Ontario the power to adopt official plans and pass zoning bylaws for unorganized territory within their planning areas.

Upper-tier municipalities (i.e. counties and regional/district municipalities) as well as planning boards deal with broad land use planning issues that concern more than one local municipality. All upper-tier municipalities have their own official plans and have the power to approve local official plans, in place of the Minister of Municipal Affairs and Housing.

Some of these upper-tier municipalities are also the approval authority for plans of subdivision.

Contact your [municipality](#) to determine the approval authority for official plans and plans of subdivision in your area.

The Provincial Policy Statement

Under the *Planning Act*, the Minister of Municipal Affairs and Housing may issue provincial statements on matters related to land use planning that are of provincial interest.

The [Provincial Policy Statement, 2014](#) (PPS) applies provincewide and contains overall policy directions on matters of provincial interest related to land use planning and development. The PPS is available from your [municipality](#), your local [Municipal Services Office](#).

The PPS promotes a policy-led planning system that recognizes there are complex inter-relationships among and between environmental, economic and social factors in land use planning. Below is a description of three major PPS policy sections:

Building strong healthy communities

The PPS provides policy direction that will help build strong healthy communities in Ontario. For example, to help achieve strong communities where people want to live, work and play, the PPS, provides policies for:

- the efficient use of land and infrastructure
- the provision of an appropriate range and mix of housing types, including affordable housing, and densities to meet the needs of current and future residents

- the protection of employment areas to promote economic development and competitiveness
- the promotion of healthy, integrated and viable rural areas

Wise management of resources

The PPS includes strong policy direction to protect the province's natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources. Protecting these important resources will help ensure Ontario's long-term prosperity, environmental health and social well-being.

Protecting public health and safety

The PPS protects Ontario communities through policies directing development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety, or property damage. It also provides for the consideration of the potential impacts of climate change (e.g. flooding due to severe weather) that may increase the risk associated with natural hazards.

Applying the PPS

When decision-makers exercise any authority that affects planning matters, the *Planning Act* requires that they "shall be consistent with" the PPS. This means that a decision-maker must ensure that the policies in the PPS are applied as an essential part of the land use planning decision-making process. Decision makers implement the PPS in the context of other planning objectives and local circumstances.

How the *Planning Act* works

Municipal councils, landowners, developers, planners and the public play an important role in shaping a community. Community planning is aimed at identifying common community goals and balancing competing interests.

The central activity in planning a community is making an official plan, a document which guides future development of an area in the best interest of the community as a whole.

Your municipal council must give you as much information as possible when preparing its official plan and, in some cases, must hold a public open house to let the public review, ask questions and provide suggestions or comments about the plan. Before it adopts the plan, council must hold at least one public meeting where you can formally give your opinion. It is up to council to decide the best way to let people know about the meeting, but notice must be given at least 20 days ahead of time, either through local newspapers or by mail and posted notice.

The act encourages early upfront involvement and the use of mediation techniques to resolve conflict. Make sure you make your views known early in the planning process. If you don't, you are not eligible to appeal certain types of planning decisions and you may not be eligible to be a party to appeals of certain types of planning decisions.

The *Planning Act* contains similar procedures for changes to the official plan, for zoning bylaw amendments and approval of plans of subdivision.

Get involved

You can be an important part of the land use planning process by keeping informed about what's going on in your community and by participating in public meetings.

Your input will help the municipal council make better decisions that affect your future. If you are concerned about all or any part of a planning proposal or policy change, you should:

- find out as much as you can about the proposal
- think about how it will affect you
- talk to your neighbours
- go to public meetings, open houses and information sessions and let council know what you think
- write to your council member or the municipal officials about your views
- work with council and municipal staff to resolve your concerns

Finally, if you are not happy with council's decisions on planning issues, in some instances you may appeal to the Local Planning Appeal Tribunal for a public hearing. To ensure that your appeal rights are protected, it is important that you make your views known during the municipal decision-making process.

For more information about your rights to appeal, see [section 6](#), the Local Planning Appeal Tribunal, and the sections that deal with specific types of planning documents.

Official plans

Why you need an official plan

Your municipality's official plan:

- makes the public aware of the municipality's general land use planning policies
- makes sure that growth is coordinated and meets your community's needs
- helps all members of your community understand how their land may be used now and in the future
- helps decide where roads, watermain, sewers, garbage dumps, parks and other services will be built
- provides a framework for establishing municipal zoning bylaws to set local regulations and standards, like the size of lots and height of buildings
- provides a way to evaluate and settle conflicting land uses while meeting local, regional and provincial interests
- shows council's commitment to the future growth of your community

The official plan process

Pre-consultation, public meeting and input

When considering an official plan, your local council or planning board must ensure that:

- at least one public meeting is held, notice of which must be given at least 20 days ahead of time,

- usually through local newspapers or by mail
- the approval authority is consulted and given the opportunity to review all supporting information and material
- for the statutory official plan update, a special meeting of council that is open to the public, as well as an open house information session and at least one public meeting are held
- adequate information, including a copy of the proposed plan, is made available to the public in advance of the public meeting

Any person or public body may provide written comments and/or speak at the public meeting about the proposed plan.

Council may consult with agencies, boards, authorities or commissions before making a decision.

When council prepares an official plan, it shall be consistent with the [Provincial Policy Statement](#) (PPS) issued under the [Planning Act](#) and conform or not conflict with any applicable provincial plans. This means that a council must ensure that policies under the PPS are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that council will implement the PPS in the context of other planning objectives and local circumstances. (See [section 1](#), The *Planning Act*, and the [PPS, 2014](#).)

Official plan update

It is expected that council will regularly update the official plan to ensure that the plan implements any changes to the PPS or provincial plans. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. This update should be completed ten years after a municipality prepares a new comprehensive official plan or every five years after an update done through an amendment to the plan.

An official plan may come into effect in one of two ways:

1. Plans exempt from approval - under this process, the Minister of Municipal Affairs and Housing may exempt the official plan and all or some of its proposed amendments from the requirement for provincial approval. The Minister may also authorize upper-tier approval authorities (such as a regional municipality) to exempt any or all lower-tier proposed official plans and amendments from the requirement for approval.

Under the exempt system, after council adopts the plan and/or amendment and gives a notice of adoption, a person or a public body that made an oral submission at the public meeting or made a written submission to council before a decision was made, may appeal the council's decision to adopt to the [Local Planning Appeal Tribunal](#) (LPAT) within the 20-day appeal period. If there is no appeal, the official plan and/or amendment comes into effect on the day after the appeal period expires.

The LPAT is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See [section 6](#), the Local Planning Appeal Tribunal)

2. Plans not exempt from approval - under this process, after council adopts an official plan, it is submitted

to the appropriate approval authority to review and make a decision.

All upper-tier municipalities are the approval authority for lower-tier official plans and amendments. In all other cases, the Minister of Municipal Affairs and Housing is the approval authority. To find out about the approval authority in your area, contact your municipal or planning board office.

When a municipality submits a proposed official plan to the approval authority to review and make a decision, it is required to provide all the information prescribed by Minister's regulation as well as other additional information which the approval authority may require. The more information provided, the less likely delays will occur in the review.

If the municipality does not provide all the information prescribed by Minister's regulation, the approval authority may refuse to accept or to further consider the official plan. A 210-day timeframe for making a decision does not begin until all the information is received by the approval authority. The approval process may take longer than this timeframe but if no decision is made within 210 days, the matter could be appealed to the LPAT.

The approval authority makes sure that comments, concerns or suggestions from anyone interested in the plan are considered. This means that there may have to be negotiations with other parties, ministries, local authorities and with members of municipal council and staff.

The approval authority may approve, approve as modified, or refuse to approve all or parts of the official plan and give a notice of decision. A person or a public body that made an oral submission at the public meeting, or made a written submission to council before its decision to adopt the official plan, may appeal the approval authority's decision to the LPAT within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires. However, there is no appeal of a provincial decision regarding a new official plan or an official plan update where the Minister is the approval authority.

Next steps

Once an official plan is in effect, it guides all of the municipality's planning decisions. It means that:

- the local council and municipal officials must follow the plan
- all new services, sewer or watermain, for example, must conform to the plan
- all bylaws, including zoning and related bylaws, must conform with the official plan

Single-tier official plans contain policies on how land in your community should be used. Official plans for upper-tier municipalities deal with broad planning issues that affect more than one municipality, while all lower-tier official plans and zoning bylaws must conform to the upper-tier plan.

An official plan is not set forever. The plan can be changed or amended as the community's needs change.

Get involved

You can take part in planning the future of your community by:

- finding out as much as you can about the proposed official plan

- thinking about how the plan might affect you, your property and your community
- going to any information sessions, including open houses and public meetings that are held to discuss the plan
- giving your opinions at the public meetings or making written submissions to council, one of which you must do in order to qualify for the right to appeal
- working with council and the municipal staff to resolve your concerns

If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to think about what you said and may make changes before the plan is adopted.

You should be aware that you do not have the right of appeal to the LPAT on most planning applications if you have not made oral submissions at a public meeting or provided council with written submissions before the plan is adopted.

Your appeal rights

Appeals to the LPAT can be made in four different ways:

1. an applicant requesting an official plan amendment, the Minister and the appropriate approval authority may appeal to the LPAT if the council refuses or fails to act on a request to amend within 210 days of the receipt of a complete application by the municipality. The notice of appeal should be filed with the municipality
2. any person or public body may appeal to the LPAT if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 210 days of the receipt of the prescribed information by the approval authority. The notice of appeal should be filed with the approval authority
3. plans and amendments exempt from approval: An applicant requesting an official plan amendment, the Minister, the appropriate approval authority and any person or public body who made oral submissions at a public meeting or written submissions prior to adoption may appeal the council's adoption within 20 days from the date the notice of adoption is given. The notice of appeal should be filed with the municipality
4. plans and amendments NOT exempt from approval: An applicant requesting an official plan amendment, the Minister and any person or public body who made oral submissions at a public meeting or written submissions prior to adoption may appeal the approval authority's decision within 20 days from the date the notice of decision is given. The notice of appeal should be filed with the approval authority

The basis of an appeal

In your notice of appeal, you must specify the part(s) of the official plan or amendment you are appealing. The appeal must be accompanied by written reasons and the fee required by the LPAT.

Appeals of official plans and amendments that are adopted or approved can only be made on the basis that the decision:

- is inconsistent with the PPS
- does not conform to, or conflicts, with applicable provincial plans, and/or
- does not conform to an applicable upper-tier official plan

Where the appeal is related to an applicant requested official plan amendment that has been refused or where a municipal council failed to make a decision within the 210 day timeframe, the appeal (by the applicant) can only be made on the basis that:

1. The parts of the official plan that would be affected by the requested amendment:
 - are inconsistent with the PPS
 - does not conform to, or conflicts, with applicable provincial plans, and/or
 - does not conform to an applicable upper-tier official plan, and
2. The requested amendment:
 - is consistent with the PPS
 - conforms to, or does not conflict, with applicable provincial plans, and
 - conforms to an applicable upper-tier official plan

Appeals of the failure of an approval authority to make a decision on an official plan or amendment do not need to set out an explanation for the appeal. Appeals of this nature are not limited to only the consistency/conformity standard of review.

Limitations on appeals

Generally, appeals are not permitted in the following circumstances:

- refusals or failure to make a decision within 210 days (commonly known as a “non-decision”) on proposed amendments that would alter the boundary of an "area of settlement" or establish a new "area of settlement"
- refusals or non-decisions on proposed amendments that would remove land from an "area of employment" if appropriate official plan policies are in place
- adopted or approved plans and plan amendments that would implement specified provincial priorities, including those that:
 - permit the use of inclusionary zoning
 - permit second unit residential dwellings, as well as proposed amendments that would revoke or replace policies that permit second unit residential dwellings
 - designate lands, including uses, and implement transit-supportive densities in a Protected Major Transit Station Area
 - implement certain matters with previous provincial approval (e.g., approved source water protection boundaries, [Growth Plan for the Greater Golden Horseshoe](#) employment and population projections, [Greenbelt Plan](#) boundaries)
- Minister's decisions on new official plans and official plan updates
- non-decisions on adopted lower-tier official plans and updates that the upper-tier municipality has stated do not conform with the upper-tier official plan

In the case of a new official plan, there is no ability for a person or public body to appeal the entire plan, although any part of the plan can be appealed.

The powers of the Local Planning Appeal Tribunal

In cases of appeal, the LPAT will hold a mandatory case management conference to discuss opportunities for

settlement, such as mediation, and may hold a hearing. If a hearing is required, you may be given the chance to provide a summary of your case.

Appealing a planning decision to the LPAT is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

Consistency/conformity standard of review

For most appeals dealing with official plans, the LPAT must focus its assessment and decision on whether a municipal or approval authority decision appropriately implements provincial and/or local plans and policies. This applies to appeals of decisions to approve or refuse an official plan or amendment.

In addition, appeals of a municipal council's failure to make a decision within the 210 day timeframe for applicant requested official plan amendments are also subject to the consistency/conformity standard of review.

Example: Someone files an appeal of a municipal council's decision to adopt an official plan amendment.

If the LPAT finds that the municipal decision aligns with provincial and local policies, the appeal will be dismissed and the municipal decision will be final.

If the LPAT determines that the municipal decision does not align with provincial and local policies, the matter will be returned to the municipality to make a new decision.

For an appeal of an approval authority's non-decision on an official plan amendment, the LPAT has a wider scope of review.

The following tables identify the types of planning matters subject to appeal, whether the decision or non-decision is appealable and whether the hearing would be subject to the consistency/conformity standard of review.

Table 1: New official plans and official plan updates (section 26 updates) approved by province

Was a decision made?	Can the matter be appealed to the LPAT?	Subject to consistency/conformity standard?
Decision	No	N/A
Non-decision	Yes	No

Table 2: Official plan amendments approved by province

--	--	--

Was a decision made?	Can the matter be appealed to the LPAT?	Subject to consistency/conformity standard?
Decision	Yes	Yes
Non-decision	Yes	No

Table 3: Official plans/amendments not approved by province

Was a decision made?	Can the matter be appealed to the LPAT?	Subject to consistency/conformity standard?
Decision	Yes	Yes
Non-decision	Yes	Yes

Table 4: Privately-initiated official plan amendments (subsection 22(7))

Was a decision made?	Can the matter be appealed to the LPAT?	Subject to consistency/conformity standard?
Decision	Yes	Yes
Non-decision	Yes	Yes

Opportunity to reconsider

If the LPAT returns the matter back to a municipality because the decision was not aligned with local and provincial policies and plans, the municipality will be able to address any shortcomings, while continuing to have the opportunity to address local matters in making a new decision. When reconsidering a matter returned by the LPAT, a municipality will need to reassess the matter, hold a public meeting and issue a new decision.

Second decision

If a municipality makes a new decision after a matter has been returned to them by the LPAT, that second municipal decision will be final unless it is appealed.

If the second decision is appealed, the LPAT will hear the matter and make a determination on whether the municipality's new decision aligns with provincial or local policies. If it does align, the municipal decision will be final. If the decision by the municipality is again inconsistent or does not conform with local or provincial policies, the LPAT will make a final decision on the matter.

Declaration of provincial interest

Prior to a hearing, the Minister of Municipal Affairs and Housing can declare that an official plan matter before the LPAT may adversely affect a provincial interest. When such action occurs, after the hearing is held and the LPAT renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the LPAT's decision on the matter.

Power to dismiss

The LPAT shall dismiss an appeal in certain circumstances including if the appeal constitutes an abuse of process, such as repeatedly submitting an application that has recently been dealt with by the municipality. Where the consistency/conformity standard of review applies, an appeal shall also be dismissed if the appeal letter does not explain how the appealed decision is inconsistent with the PPS, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable upper-tier official plan.

An appeal may also be dismissed by the LPAT if the application before it is substantially different from that which was before council at the time of council's decision.

Official plan amendments

An official plan amendment is a formal document that changes a municipality's official plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners. Most municipalities now charge a fee for processing changes requested by members of the public.

An approved official plan can be reviewed at any time, but each local council is required to update its official plan not less than 10 years from the date the plan came into effect in the case of a new comprehensive official plan. In situations where an official plan is not being replaced in its entirety it should be updated at least every five years. This ensures the plan is consistent with the PPS and that it conforms and/or does not conflict with provincial plans, as required. If the plan is not consistent with the PPS, or does not conform with provincial plans or conflicts with provincial plans, then the plan is expected to be updated. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. In the case of a statutory official plan update, a special meeting of council must be held that is open to the public, as well as an open house information session and at least one public meeting.

By submitting an application to council, a person or public body may request that an official plan be amended. Council may refuse to accept an application that fails to provide sufficient information or material as prescribed by Minister's regulation and/or set down in the municipal official plan. If a council confirms that an application is incomplete, the applicant should provide the needed information. In case of

disagreement, the applicant has 30 days to make a motion to the LPAT for a determination on the matter. The LPAT's decision is final.

A person or public body that makes oral submissions at a public meeting, or makes written submissions prior to the adoption of an official plan amendment, may appeal a council's decision. However, there are limitations on appeal rights as noted above in the "What rights of appeal do you have?" section. To determine what appeal rights are available to you in respect of a particular official plan amendment, contact your municipal staff or secretary-treasurer of your planning board.

All amendments are proposed, discussed and processed in generally the same way as the original plan. As discussed earlier, when a council considers an official plan/amendment, it needs to ensure the official plan/amendment is consistent with the PPS issued under the *Planning Act* and conform/not conflict with any applicable provincial plan. (See the section – "[What is an official plan?](#)" above.)

Request an official plan amendment

If you want to use your property or develop it in a way that conflicts with the municipal official plan, an amendment to the plan would be needed. You should talk first to the municipal staff. They can let you know if the change is possible, what problems you might encounter and how you should apply.

You may not be able to apply for an application to amend an official plan if your municipality passed a new comprehensive official plan within the past two years. Your application would be allowed if council has passed a resolution to allow it. The same limitation may also apply to an amendment to a secondary plan. A secondary plan is a land use plan for a particular area of a municipality that is prepared as an amendment to an official plan. Typically, a secondary plan will provide more detailed policies for the area it covers, such as public spaces, parks and urban design.

When you apply to amend an official plan, you are required to submit information which is prescribed by Minister's regulation as well as other additional information if set out in the municipal official plan. The more information provided, the less likely delays will occur in the review.

Council must review your application within 30 days of its receipt to determine if you have filed a complete application. If council fails to do so, you can make a motion to the LPAT for a determination if the application is complete and if any additional information requested is reasonable. Council may refuse to accept an application that fails to provide sufficient information or material. If a council confirms that an application is incomplete and the applicant disagrees, the applicant has 30 days to make a motion to the LPAT for a determination on the matter. The LPAT's decision is final. Contact the municipality if you need help assessing what information is required to make an application complete.

If council refuses or fails to act on your request for an official plan amendment within 210 days after the prescribed and municipally requested information and material is submitted, you may be able to appeal to the LPAT by filing a notice of appeal with the municipality.

How the approval process may be different in Northern Ontario

The official plan process is much the same in Northern Ontario, but the responsibility for official plans and

their administration outside the urban municipalities may be carried out by a planning board. (See [section 7](#), Northern Ontario)

Summary of the official plan amendment process (plans exempt from approval)

1. council initiates the process for an official plan amendment
2. the proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted
3. a public meeting is held
4. council adopts the official plan amendment
5. council gives notice of adoption. The official plan amendment comes into effect if there is no appeal within the 20-day appeal period
6. possible appeal to the Local Planning Appeal Tribunal (LPAT): With some restrictions, any qualifying person or public body may appeal council's decision to adopt the official plan amendment to the LPAT
7. if an appeal is made, the record (e.g. application and supporting material, including all written submissions) of council's decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference
8. a mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlement, including mediation and to identify, define and/or narrow issues
9. mediation can take place on all or some of the issues
10. if a hearing is required, it will be focused on whether council's decision is consistent or conforms with provincial and local plans and policies
11. if the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the municipality and ask them to reconsider their decision. Otherwise, the LPAT will uphold council's original decision
12. if the LPAT sends a matter back to the municipality for reconsideration:
 - the municipality will re-assess the proposed official plan amendment, hold a public meeting, and make a new decision
 - council will give notice of its decision to adopt the official plan amendment
 - if no appeal is made within the 20-day appeal period, council's decision is in effect
 - however, if the decision is appealed, it would proceed to the Local Planning Appeal Tribunal for final resolution

Summary of the official plan amendment process (plans not exempt from approval)

1. council initiates the process for an official plan amendment
2. the proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted
3. if the amendment is an official plan update under section 26 of the *Planning Act*, such as a statutory official plan review, an open house must be held prior to council holding a public meeting. This step is not required for all other official plan amendments

4. a public meeting is held
5. council adopts the official plan amendment
6. council gives notice of adoption and sends the official plan amendment to the approval authority
7. the approval authority may consult (as needed), makes a decision on the official plan amendment, and gives notice of its decision. The official plan amendment comes into effect if there are no appeals within the 20-day appeal period
8. possible appeal to the Local Planning Appeal Tribunal (LPAT): With some restrictions, any qualifying person or public body may appeal the approval authority's decision to the LPAT. However, where the Minister is the approval authority (for matters under section 26 of the *Planning Act*), there is no ability to appeal the Minister's decision on an official plan update
9. if an appeal is made, the record of the approval authority's decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference
10. a mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlement, including mediation and to identify, define and/or narrow issues
11. mediation can take place on all or some of the issues
12. if a hearing is required, it will be focused on whether the approval authority's decision is consistent or conforms with provincial and local plans and policies
13. if the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the adopting municipality and ask them to reconsider their decision. Otherwise, the Tribunal will uphold the approval authority's decision
14. if the LPAT sends a matter back to the municipality for reconsideration:
 - o the municipality will re-assess the proposed official plan amendment, hold a public meeting, and make a new decision
 - o council will give notice of its decision to adopt the official plan amendment and send it to the approval authority
 - o the approval authority has 90 days to review the proposed amendment and make a decision
 - o if no appeal is made within the 20-day appeal period, the approval authority's decision is in effect
 - o however, if the decision is appealed, it would proceed to the Local Planning Appeal Tribunal for final resolution

Zoning bylaws

A zoning bylaw controls the use of land in your community. It states exactly:

- how land may be used
- where buildings and other structures can be located
- the types of buildings that are permitted and how they may be used
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street

An official plan sets out your municipality's general policies for future land use. Zoning bylaws put the plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. Construction or new development that doesn't comply with a zoning bylaw is not allowed, and the municipality will refuse to issue a building permit.

Many municipalities have a comprehensive zoning bylaw that divides the municipality into different land use

zones, with detailed maps. The bylaw specifies the permitted uses (e.g. commercial or residential) and the required standards (e.g. building size and location) in each zone.

Some rural municipalities may have a free-standing zoning bylaw that covers only a specific property that an owner proposes to develop.

Why you need a zoning bylaw

A zoning bylaw:

- implements the objectives and policies of a municipality's official plan (See [section 2](#), Official plans)
- provides a legal way of managing land use and future development
- in addition to the official plan, protects you from conflicting and possibly dangerous land uses in your community

Zoning bylaw amendments

If you want to use or develop your property in a way that is not allowed by the zoning bylaw, you may apply for a zoning change, also known as a zoning bylaw amendment or a rezoning. Council can consider a change only if the new use is allowed by the official plan.

You may not be able to apply for a rezoning if your municipality passed a new comprehensive zoning bylaw within the past two years. Similarly, you may not be able to apply for a change to a community planning permit bylaw within five years of it being passed. However, your application would be allowed if council passes a resolution to allow the application.

Before you set out to apply for rezoning, you should talk to your municipal planning staff to determine if your application can be made and for advice and information.

If you are able to apply for a rezoning, you must complete an application form which requires information identified by the Minister and the municipality. Most municipalities require that you pay an application fee.

The process for dealing with zoning bylaw amendments is the same as for a zoning bylaw. If local council refuses your zoning application, or if it does not make a decision within 150 days of the receipt of the complete application and fee, you may be able to appeal to the [Local Planning Appeal Tribunal](#) (LPAT). Note that council has 210, not 150, days to make a decision on a zoning application if it was submitted to the municipality on the same day as a request for a related official plan amendment.

The LPAT is an independent administrative tribunal that is responsible for hearing appeals and that decides on a variety of contentious municipal matters. (See [section 6](#), the Local Planning Appeal Tribunal)

How a zoning bylaw is passed

Before council passes a zoning bylaw, it must first give as much information as possible to the public. There must also be at least one public meeting before a bylaw is passed and everyone who attends the meeting must have a chance to speak. Notice of this meeting is given at least 20 days in advance, either through local

newspapers or by mail and posted notice.

An open house information session is also required for a bylaw that is being brought into conformity with an official plan which has been updated as part of an official plan update and for a community planning permit bylaw. A municipality is required to update its zoning bylaws no less than three years after the approval of an official plan update.

The *Planning Act* encourages early involvement and the use of mediation techniques to resolve any conflicts. Share your views early in the planning process by making an oral submission at the public meeting or a written submission to council before it passes the bylaw. If you don't, you are not entitled to appeal the bylaw after it is passed.

Your local council may also consult with interested agencies before it makes a decision. After hearing everyone's concerns, council may decide to pass, change or reject the proposed bylaw. If it decides to make some changes, it may also decide to hold another public meeting.

Once council has passed the bylaw, it must give notice of the bylaw's passing within 15 days. Any person or public body that meets certain requirements may, not later than 20 days after the notice of the passing of the bylaw is given, appeal to the LPAT by filing a notice of appeal with the municipal clerk. The appeal must set out the reasons why the appellant believes the council's decision is inconsistent, does not conform or conflicts with provincial policy or plans, or does not conform with the official plan. The fee required by the LPAT must be paid at the same time.

How zoning bylaws are evaluated

When it considers a zoning bylaw, the council evaluates it against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the risk of flooding

When council considers a zoning bylaw, its decision shall be consistent with the [Provincial Policy Statement](#) (PPS) issued under the [Planning Act](#). This means that a council must ensure that the policies of the PPS are applied as an essential part of the land use planning decision-making process. The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that the council will implement the PPS in the context of other planning objectives and local circumstances. (See [section 1](#), The *Planning Act*, and the [PPS, 2014](#))

Zoning bylaws must also conform with any applicable provincial plan. Provincial plans provide direction for specific geographic areas and address environmental, growth management and economic issues. More information on provincial plans can be found at: ontario.ca/mmah.

Get involved

If you have concerns about a proposed zoning bylaw or amendment that may affect you, you should:

- find out as much as possible about the proposed bylaw and how it affects your property
- go to any information sessions, including open houses and public meetings, to give your opinions
- discuss the proposal with municipal staff and council members
- make a written submission to council

If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to consider your feedback and may make changes before the bylaw is passed.

Your appeal rights

A person or a public body who makes oral submissions at a public meeting or submits written submissions prior to the passing of a zoning bylaw or amendment may appeal a council's decision, with some exceptions (see below).

Appeals to the LPAT can be made in two different ways:

1. the applicant, the Minister and any person or public body who made oral submissions at a public meeting or written submissions before the bylaw was passed, may appeal the council's passage of a zoning bylaw to the LPAT within 20 days from the date the notice of the passage of the bylaw is given. The notice of appeal should be filed with the municipal clerk
2. the applicant and the Minister may appeal to the LPAT if the council refuses or fails to act on such a request within the timeframe set out in the *Planning Act*. The notice of appeal should be filed with the municipal clerk

Your appeal must be accompanied by written reasons and the fee required by the LPAT.

Limitations on appeals

Generally, appeals are not permitted in the following circumstances:

- refusals or failure to make a decision within the timeframe set out in the *Planning Act* (also known as "non-decision") on proposed amendments that would implement an alteration to the boundary of an "area of settlement" or the establishment of a new "area of settlement"
- refusals or "non-decisions on proposed amendments that would remove land from "an area of employment", if appropriate official plan policies are in place
- bylaws related to second residential units
- bylaws passed to implement inclusionary zoning, as well as proposed amendments that would change or repeal bylaws implementing inclusionary zoning
- bylaws passed to implement transit-supportive densities in protected major transit station areas if appropriate official plan policies are in place

When an appeal is made

In cases of appeal, the LPAT will hold a mandatory case management conference to discuss opportunities for settlement, such as mediation, and may hold a hearing. If a hearing is required, appellants and others

permitted by the LPAT may be given the chance to provide a summary of their cases.

Appealing a local decision to the LPAT is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

Consistency/conformity standard of review

For most appeals dealing with zoning bylaw matters, the LPAT must focus its assessment and decision on whether a municipal decision is aligned with provincial and/or local plans and policies.

Using an appeal of a municipal council's decision to pass a zoning bylaw amendment as an example, if the LPAT finds that the municipal decision aligns with provincial and local policies, the appeal will be dismissed and the municipal decision will be final. However, if the LPAT determines that the municipal decision does not align, the matter will be returned to the municipality to make a new decision.

Opportunity to reconsider

If a matter is returned to a municipality by the LPAT, the municipality will be able to address any shortcomings, while continuing to have the opportunity to address local matters in making a new decision. When reconsidering a matter returned by the LPAT, a municipality will need to reassess the matter, hold a public meeting and issue a new decision.

Second decision

If a municipality makes a new decision after a matter has been returned to them by the LPAT, that second municipal decision will be final unless it is appealed.

If the second decision is appealed, the LPAT will hear the matter and make a determination on whether the municipality's new decision aligns with provincial and local policies. If it does align, the municipal decision will be final. If the decision by the municipality again does not align with local or provincial policies, the Tribunal will make a final decision on the matter following a hearing.

Declaration of provincial interest

Prior to a hearing, the Minister of Municipal Affairs and Housing can declare that a zoning matter before the LPAT may adversely affect a provincial interest. If this happens, after the hearing is held and the Tribunal renders a decision as usual, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the Tribunal's decision on the matter.

Power to dismiss

The LPAT shall dismiss an appeal in certain circumstances if the appeal constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with by the municipality. An appeal shall also be dismissed if the appeal letter does not explain how the bylaw is inconsistent or does not conform with provincial or local plans and policies.

An appeal may also be dismissed by the LPAT if the application before it is substantially different from that which was before council at the time of council's decision.

Summary of the zoning bylaw process

1. council initiates the process for the zoning bylaw
2. the bylaw is prepared. Following this, notice and information is provided to the public. Other agencies may also be consulted
3. a public meeting is held
4. council makes a decision to pass the bylaw
5. council gives notice of its decision
6. possible appeal to the LPAT: With some restrictions, any qualifying person or public body may appeal the decision to the LPAT
7. if there are no appeals, the zoning bylaw is effective on the date council passes the bylaw
8. if an appeal is made, the record of the municipal decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference
9. a mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlements, including mediation and to identify, define and/or narrow issues
10. mediation can take place on all or some of the issues
11. if a hearing is required, it will be focused on whether the municipal decision is consistent or conforms with provincial and local plans and policies
12. if the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the municipality and ask them to reconsider their decision. Otherwise the LPAT would need to uphold the municipal decision
13. if a matter is sent back to the municipality for reconsideration, the municipality will:
 - re-assess the proposed zoning bylaw, hold a public meeting, and make a new decision
 - council gives notice of its decision to pass the zoning bylaw
 - if no appeal is made within the 20-day appeal period, council's decision is in effect
 - however, if the decision is appealed, it would proceed to the LPAT for final resolution

Minor variances

If your proposed change doesn't conform exactly to the zoning bylaw, but follows its general intent, you can apply for a minor variance. For example, you might want to locate something on your property but you are unable to meet the minimum setback requirements because of the shape of your lot. Your municipality may have a bylaw that sets out local criteria to further clarify what constitutes a minor variance in your community.

To obtain a minor variance, you will have to apply to your local committee of adjustment appointed by council to deal with minor problems in meeting bylaw standards. Your application should explain how your proposed variance is minor in nature and why it is needed.

The committee of adjustment will hold a hearing and decide on your application. Anyone who disagrees with the decision has 20 days to appeal to the LPAT or, if one is established by the municipality, a local appeal body. The appeal should be filed with the secretary-treasurer of the committee who will tell you who has the

authority to hear such appeals in your area. You should set out the reasons supporting the objection and pay the fee required by the LPAT/local appeal body.

The LPAT or local appeal body has the power to dismiss your appeal without holding a hearing. (See [section 6](#), the Local Planning Appeal Tribunal)

The LPAT or local appeal body can allow or dismiss your appeal, or amend the application. A minor variance does not change a zoning bylaw. It simply excuses you from a specific requirement of the bylaw and allows you to obtain a building permit.

Other types of zoning bylaws

There are several types of special bylaws that can be used to control land use:

Community planning permit bylaws

The community planning permit system (CPPS) is a discretionary land use planning tool that combines zoning, site plan and minor variance processes into one application and approval process. The CPPS has three components:

1. a policy basis in the official plan
2. an implementing community planning permit bylaw, and
3. a community planning permit that can be issued as a planning approval

Community planning permit bylaws must identify and define a list of permitted uses. The bylaws can also set out discretionary uses that may be permitted if specified criteria outlined in the bylaw are met.

Any interested party can appeal a community planning permit bylaw to the LPAT when the bylaw is being established provided they have participated during its development. Once the CPPS is established and in effect, only the development applicant has the right of appeal a decision on a community planning permit application to the LPAT.

Holding bylaws

Holding bylaws allow future uses for land or buildings but delay development until, for example, local services, such as roads, are in place. Your municipality cannot use these bylaws unless it has holding policies in its official plan.

Interim control bylaws

Interim control bylaws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year.

There is no ability to appeal an interim control bylaw when it is first passed, however, an extension to a bylaw may be appealed.

The *Planning Act* provides that an interim control bylaw remains in effect past the two-year period if the new zoning bylaw which replaces the interim control bylaw is appealed to the LPAT.

Temporary use bylaws

Temporary use bylaws zone land or buildings for specific uses for a maximum period of three years at a time, with more extensions possible. When the temporary use of a garden suite (i.e. a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing structure and that is designed to be portable) is authorized, the temporary bylaw may allow it for a period not exceeding 20 years, with more extensions possible.

Increased height and density bylaws

Increased height and density bylaws allow buildings to exceed standards otherwise permitted, but only if the developer provides certain services to your community in return, such as parkland. Your municipality cannot use these bylaws unless its official plan includes policies allowing increases in height and density.

Inclusionary zoning

[Inclusionary zoning](#) is an optional tool that municipalities may use to address their community's affordable housing needs. When inclusionary zoning related official plan policies and zoning bylaws are in place, municipalities can require affordable housing units to be included in residential developments. These units would need to be maintained as affordable over a period of time specified by the municipality.

Site plan control bylaws

Site plan control bylaws are not zoning bylaws. They are used to establish areas where site plan control will be applied over and above those set out in the zoning bylaws. These areas must be described in the official plan.

Site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles
- the appearance and design features of buildings, and their sustainable design, are satisfactory
- there is adequate landscaping and drainage
- nearby properties are protected from incompatible development

As a condition of site plan approval, municipalities may require the owner to provide land for road widening and public transit rights-of-way. Before municipalities can exercise this power, the road widening and public transit rights-of-way must be shown or described in the official plan.

Minister's zoning orders

The *Planning Act* gives the Minister of Municipal Affairs and Housing the authority to zone any property in the province. Zoning orders are rarely used where municipalities have existing zoning bylaws, but can be used to protect a provincial interest. A Minister's zoning order prevails over a municipal zoning bylaw to the extent of a conflict. The municipal bylaw remains in effect in all other respects.

Zoning orders are used mostly in areas of Northern Ontario where there is no local municipality or local zoning bylaw. Once a Minister's zoning order is in place, the Minister can either delegate the administration of the order to the local planning board or deem it to be the local bylaw, in which case the planning board would have all the powers to pass bylaws to make any changes. (See [section 7](#), Northern Ontario)

Other approvals that may be required

In addition to the planning approvals and building permit which are needed for a building project, there are other permits and approvals required in specific circumstances. For example, a septic tank permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources and Forestry before you can do any construction in the water (for example, a dock or boathouse with a solid foundation).

Subdivisions

When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions of the [Planning Act](#) come into play.

If your proposal involves creating only a lot or two, you may seek approval for a "land severance". For more details, see [section 5](#), Land severances.

The other means of subdividing land is to obtain approval of a plan of subdivision from the approval authority.

Subdivision approval ensures that:

- the land is suitable for its proposed new use
- the proposal conforms to the official plan and zoning in your community, as well as to provincial legislation and policies
- you, your neighbours and your community are protected from developments which are inappropriate or may put an undue strain on community facilities, services or finances

Problems can result when large tracts of land are split into building lots without the benefit of a formal approval process. People have found out, usually too late, that the lots they have purchased are not on a registered plan. It may be that the water supply is unusable or the access road is not plowed or maintained. Other purchasers have found out that the ownership or title to their property is doubtful, making it difficult to sell.

Approval authority for plans of subdivision

The councils of some upper-tier, lower-tier and single-tier municipalities are the approval authorities for draft plans of subdivision. Upper-tier municipalities may further delegate the authority to approve plans of subdivision to their lower-tier municipalities. Municipalities may also delegate the authority to committees of council or appointed officers.

In all other areas, the Minister of Municipal Affairs and Housing is the approval authority but may delegate the authority to approve plans of subdivision to municipalities or planning boards in Northern Ontario.

To determine who approves plans of subdivision in your area, contact your municipal or planning board office.

A registered plan of subdivision

A registered plan of subdivision is a legal document that shows:

- the exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built
- the location, width and names of streets
- the sites of any schools or parks

The plan does not show specific building locations; the rules for locating buildings are set out in the zoning bylaw and shown on plans as part of site plan approval. (See [section 3](#), Zoning bylaws)

The plan of subdivision must be:

- surveyed by an Ontario land surveyor
- in general conformity with the official plan and with any county, regional or district plan as well as provincial policies
- approved by the proper authority
- registered

A registered plan of subdivision creates new, separate parcels of land and can be legally used for the sale of lots. It should not be confused with "compiled plans" or "reference plans" which are used simply to describe parcels of land.

The process for subdividing

If you are thinking about subdividing your property, discuss your proposal first with municipal, planning board or [Municipal Services Office](#), staff. They can tell you what information, including any special studies, you will need to provide and whether the official plan and/or zoning bylaw provide for your subdivision to be allowed or if further review as to its suitability is necessary.

Subdivision applications are made to the approval authority. This could be the Minister of Municipal Affairs and Housing, a municipality, or a planning board. You may be charged a fee for processing the application.

To find out what the processing fee is in your area, contact the appropriate approval authority. Ministry, municipal or planning board staff will tell you about the approval authority in your area.

As an applicant, you are required to fill out a subdivision application form provided by the approval authority.

A typical application form contains both the information identified by Minister's regulation as well as other information required by the municipality. The more information provided, the less likely delays will occur in the review.

The approval authority may refuse to accept an incomplete application. If an approval authority confirms that an application is incomplete and you, the applicant, disagree with the decision, you have 30 days to make a motion to the [Local Planning Appeal Tribunal](#) (LPAT) for a determination on the matter. The LPAT's decision is final.

If you do not provide all the information identified by Minister's regulation and the official plan, the approval authority may refuse to accept or consider your application. The 180-day time frame for making a decision also does not start. When all the identified and, if applicable, additional information is received, then the 180-day time frame begins. You are encouraged to contact the appropriate approval authority if you need help in assessing what information is required.

The approval authority, or in some cases the municipality in which the proposal is located, must give notice of the application and may also be required to hold a public meeting before a decision is made. Notice of the public meeting is given at least 14 days in advance, either through local newspapers or by mail and posted notice. Anyone present at the meeting has a right to speak about the proposal.

The approval authority may consult with agencies, boards, authorities or commissions before making a decision.

How applications for subdivision are evaluated

In considering a plan of subdivision, the approval authority evaluates the merits of the proposal against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- compliance with local zoning bylaws
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding

In deciding on the application, the approval authority shall be consistent with the Provincial Policy Statement (PPS) and conform/not conflict with an applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that the approval authority will implement the PPS in the context of other planning objectives and local circumstances. (See [section 1](#), the *Planning Act* and the [PPS, 2014](#)).

Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (e.g. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan).

Draft approval

Having considered your application, the approval authority may either "draft approve" or refuse your subdivision proposal.

The approval authority must provide a written notice of its decision within 15 days of its decision to the applicant and each person or public body that requested to be notified. When a notice of decision is given, a 20-day appeal period follows.

If your application is draft approved, you will be advised of the conditions that need to be met to obtain final approval and registration. Conditions of draft approval may include: road widenings, the naming of streets, parkland requirements, rezoning of the area to reflect the new uses in the subdivision, and other requirements. The draft approval may also establish a time frame within which the conditions must be satisfied or the draft approval lapses.

In most cases, the developer may be required to sign a subdivision agreement with the municipality or planning board to ensure that certain services such as sidewalks and roads are provided after the plan has been registered.

Draft approval amounts to a commitment to go ahead with the subdivision, if all the conditions of draft approval have been met prior to the lapsing date. Lots may be offered for sale after draft approval, but can be sold only after the plan of subdivision has been registered.

Get involved

If you are concerned about a draft plan of subdivision that may affect you:

- find out as much as possible about the draft plan
- go to the public meeting, if one is held, and give your opinions
- discuss your concerns with the approval authority
- write the approval authority

Your opinions should be clearly expressed to the approval authority by making an oral submission at the public meeting and/or a written submission to the approval authority before a draft plan of subdivision is approved. Failure to make a submission means that you do not qualify to appeal the draft subdivision plan approval. In addition, you should also make a written request if you want to be notified of any change to the conditions attached to a draft approval and to protect your appeal rights.

If you have any concerns, you should make sure that you let the approval authority know about them early in the process. The approval authority will then have time to think about what you said and may make changes before the draft plan of subdivision is approved.

Your appeal rights

Appeals to the LPAT can be made in four different ways:

1. the applicant may appeal if no decision is made within 180 days from the date of receipt by the approval authority of the application containing the prescribed information and, if applicable, any additional information required by the approval authority under its official plan
2. the applicant, the Minister, the municipality or planning board in which the proposed subdivision is located and any person or public body that meets certain requirements, may appeal an approval authority's decision, or any of the conditions of the draft approval or the lapsing provision within 20 days of the notice of decision
3. the applicant, the Minister, the municipality or planning board in which the proposed subdivision is located, and any public body that meets certain requirements, may appeal conditions of approval at any time before final approval is granted
4. The applicant, the Minister, the municipality or planning board in which the proposed subdivision is located and any person or public body that meets certain requirements, may appeal any changed conditions imposed by the approval authority.

Appeals must be filed with the approval authority, accompanied by reasons for certain appeals, and the fee required by the LPAT. Contact the approval authority for more information.

The LPAT is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See [section 6](#), the Local Planning Appeal Tribunal)

The powers of the Local Planning Appeal Tribunal

A person or a public body that makes an oral submission at a public meeting, or submits a written submission prior to the approval of a draft plan of subdivision, may appeal an approval authority's decision.

When a decision is appealed, the LPAT may hold a hearing where you will have the chance to present your case. The LPAT can make any decision that the approval authority could have made on the application.

The LPAT also has the power to dismiss an appeal without holding a hearing. (See [section 6](#), Local Planning Appeal Tribunal)

Appealing a decision to the LPAT is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

The LPAT must have regard to the local decision and make its decision based on the facts presented. The decision should generally be limited to the information and material that were before the approval authority whose decision is appealed. New information and material can be introduced at a hearing. However, if new information and material is introduced, the LPAT is required to give the approval authority 60 days to reconsider its decision and make a written submission to the LPAT if the approval authority requests this opportunity.

In addition, the LPAT shall dismiss an appeal if it constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with by the municipality and/or the LPAT. An appeal can also be dismissed by the LPAT if the application before it is substantially different from that which was before a council at the time of its decision.

Registering a subdivision

When all conditions of the draft approval have been met, final approval is given and the plan of subdivision may be registered. The developer may then go ahead with the sale of lots in the subdivision.

Considerable time may pass between draft approval and actual registration of the plan. However, the approval authority has the power to provide that draft approval will lapse after three years. It also has the power to give a further extension of draft approval.

Required services

Although many services for new subdivisions are not provided until well after registration, most municipalities insist that they be in place before occupants move into their new home. The applicant may be required to sign a detailed subdivision agreement, which is sometimes registered on the title of the property and legally binds future owners to its conditions.

Condominiums as a form of subdivision

Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in a high-rise building, is held by an individual together with a share of the rest of the property, which is common to all of the owners.

Condominiums can involve a brand new development, or an existing rental project which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial areas.

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Similarly, plans of condominium must be approved, or in some cases granted an exemption from approval, by an approval authority.

Generally, applications for approval of condominium descriptions are not subject to the requirements of giving notice of application and holding a public meeting. However, vacant land condominiums are subject to these requirements. The 20-day appeal period following the notice of decision applies.

Summary of the subdivision process

1. before an application is submitted, the applicant should consult with municipal staff or the approval authority
2. following the pre-consultation, a complete application is submitted to the approval authority
3. the approval authority ensures notices of the application are given and a public meeting may be held
4. the approval authority will make its decision to approve the draft plan of subdivision with conditions or refuse it
5. notice of decision is sent to the applicant and those requesting notification
6. with some restrictions, any qualifying person or public body may appeal to the Local Planning Appeal Tribunal (LPAT)

7. if no appeal is made and the applicant fulfills all conditions, the plan of subdivision receives final approval and registration
8. if an appeal is made, the LPAT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision
9. once a plan of subdivision receives final approval and registration, lots can be sold and transferred

Land severances

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent. It is required if you want to sell, mortgage, charge or enter into any agreement (for at least 21 years) for a portion of your land. If the two parts are split already, by a road or railway for example, consent is not needed.

Most municipalities with an approved official plan have specific policies and requirements for land severance. In addition to the division of land, rights-of-way, easements and any change to your existing property boundaries also require land severance approval.

If several severances are intended for the same area, a plan of subdivision may be more appropriate. It is up to the consent-granting authority in your area to decide whether a consent is the best approach or if a plan of subdivision is necessary for the proper and orderly development of your community. (See [section 4](#), Subdivisions)

Why you need approval to sever land

The indiscriminate division of land without anyone's approval could have a long-term, negative impact on your community. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or it might result in damage to the natural environment, because lots are too small to accommodate adequate sewage disposal systems.

Approval is required to ensure that:

- land severances are considered within an established planning framework
- new lots and new land uses do not conflict with the overall future planning goals and policies of your community
- consideration is given to the effects of the division of land on the site, on the neighbours and on the community as a whole

Once a severance has been approved, the new land parcels may be sold or resold without further approval. The only exception is if the consent-granting authority has specified that this should not occur without further approval.

Land severance approvals

The approval of severances can rest with one of a number of different governing bodies. Depending on the area, an upper-tier or single-tier municipal council may grant consents. An upper-tier municipality may then

delegate the function to a committee of council or an appointed officer. Alternatively, it may delegate the authority to a lower-tier municipality, a land division committee or to a municipal planning authority. A single or lower-tier municipality may also delegate its approval functions to a committee of council, an appointed officer or to a committee of adjustment. In Northern Ontario, where planning approval has not been assigned or delegated to a municipality or planning board, the Minister of Municipal Affairs and Housing grants consents (See [section 7](#), Northern Ontario).

To determine the consent-granting authority in your area, contact your municipal clerk, the secretary-treasurer of the planning board or your nearest [Municipal Services Office](#).

The process for a severance application

Before you apply for a land severance, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any special land severance requirements set out in the official plan and what other permits and approvals (e.g. a septic system permit) may be required.

The consent-granting authority may not accept an application that fails to provide the information or material prescribed by Minister's regulation and, in some cases, the information set out in the official plan. If a consent-granting authority confirms that an application is incomplete, an applicant who disagrees may make a motion to the [Local Planning Appeal Tribunal](#) (LPAT) or, if established by the municipality, a local appeal body, for a determination of the matter.

The LPAT (or local appeal body's) decision is final. However, in such situations, you are strongly encouraged to work out a mutually-acceptable solution with the consent-granting authority before making a motion to the LPAT or local appeal body.

When applying for a land severance, you may be charged a fee for processing the application. To determine the processing fee in your area, contact the appropriate consent-granting authority.

As an applicant, you are usually required to fill out a consent application form provided by the consent-granting authority.

A typical application form contains both the information which is prescribed by Minister's regulation as well as additional information which the consent-granting authority may require. The more information you provide, the less likely delays will occur in the review process.

If you do not provide all the information prescribed by Minister's regulation and in some cases, information or material set out in the official plan, the consent-granting authority may refuse to accept or to further consider your application. The 90-day timeframe for making a decision does not begin until all the required information is received. You are encouraged to contact the appropriate consent-granting authority if you need help in assessing what information is required.

The consent-granting authority must give notice of application before a decision is made. Notice of application is given at least 14 days in advance of a decision by the consent-granting authority, either through local newspapers or by mail and posted notice. Any person or public body may submit his or her views to the consent-granting authority.

The consent-granting authority may consult with agencies, boards, authorities or commissions before making a decision.

When the consent-granting authority has decided on your application, it is required to send a notice of decision to any person or public body requesting to be notified within 15 days of the decision being made. When a notice of decision is given, a 20-day appeal period follows.

How a severance application is evaluated

In considering each application for land severance, the consent-granting authority evaluates the merits of each proposal against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- compliance with local zoning bylaws
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding

In considering a consent application, the consent-granting authority's decision shall be consistent with the Provincial Policy Statement (PPS) and conform/not conflict with any applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that the consent-granting authority will implement the PPS in the context of other planning objectives and local circumstances. (See [section 1](#), *The Planning Act* and the [PPS, 2014](#)).

Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (e.g. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan).

Conditions of severance approval

A severance approval may have certain conditions attached to it including requirements for road widenings, parkland dedication, or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the municipality to provide future services or facilities. Severance conditions must be met within one year.

When all the conditions have been met by the applicant, a certificate is issued by the authority, and the severance goes into effect after it has been registered in the land registry office.

If the transaction originally applied for – sale of property, for example – is not carried out within two years of the date of the certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the consent-granting authority at the time of the severance decision.

Get involved

If you are concerned about a severance application that may affect you, you should:

- find out as much as possible about the application
- discuss your concerns with the consent-granting authority
- write the consent-granting authority

If you have any concerns, make sure that you let council know about them early in the process. The consent-granting authority will then have time to consider the feedback you provided and may make changes before the land severance is approved.

Your appeal rights

Appeals to the LPAT, or a local appeal body if established by the municipality, can be made in three different ways:

1. any person or public body may appeal a consent-granting authority's decision and any condition within 20 days of the notice of decision
2. the applicant may appeal if no decision is made by the consent-granting authority within 90 days from the date of receipt of the application containing the prescribed information
3. any person or public body may appeal any changed conditions imposed by the consent-granting authority within 20 days after the notice of changed conditions has been given

Appeals must be filed with the consent-granting authority, accompanied by reasons for the appeal and the fee required by the LPAT or local appeal body.

The powers of the Local Planning Appeal Tribunal or a local appeal body if one is established

When a decision is appealed, the LPAT or local appeal body may hold a hearing where you may have the chance to present your case. They can make any decision that the consent-granting authority could have made on the application.

The LPAT or local appeal body also has the power to dismiss an appeal without holding a hearing. For more information, see [section 6](#), Local Planning Appeal Tribunal.

Appealing a planning decision is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

The LPAT or local appeal body must have regard to the local decision and make a decision based on the facts presented at a hearing.

Other approvals that may be required

In addition to the planning approvals and building permit which are needed for a building project, there are other permits and approvals required for specific circumstances. For example, a septic system permit is

required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources and Forestry before you can do any construction in the water (for example, a dock or boathouse with a solid foundation).

Summary of the land severance process

1. before an application is submitted, the applicant should consult with municipal staff or the consent-granting authority
2. following the pre-consultation, a complete application is submitted to the consent-granting authority
3. the consent-granting authority gives notice of the application and a public meeting may be held
4. the consent-granting authority will make its decision to give either provisional consent or to refuse the application
5. notice of decision is sent to the applicant and those requesting notification
6. any person or public body may appeal to the LPAT or local appeal body if one is established
7. if no appeal is made, when the conditions of provisional consent are satisfied, a certificate is issued and lots can be transferred
8. if an appeal is made, the LPAT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision

Local Planning Appeal Tribunal

The Local Planning Appeal Tribunal (LPAT) is an independent administrative tribunal responsible for hearing appeals on a variety of contentious municipal matters.

LPAT members are appointed by the Lieutenant Governor in Council and typically include lawyers, architects, planners and public administrators. The LPAT operates under the [Local Planning Appeal Tribunal Act, 2017](#), as well as its own rules of practice and procedure. It reports administratively, through the [Environment and Land Tribunals Ontario](#), to the Ministry of the Attorney General.

This section focuses on the LPAT's role in dealing with land use planning matters under the [Planning Act](#). Its main role in community planning is to resolve disputes related to:

- land use planning applications, such as subdivisions, land severances and minor variances, and
- planning documents, such as official plans and zoning bylaws

Why there is a Local Planning Appeal Tribunal

People don't always agree on how their communities should develop or change. Disputes often arise over land use planning issues, such as where industry should be located, where roads and transit should be built, or how to protect our forests and farmlands.

When people are unable to resolve their differences on community planning issues, or have disputes with their municipal council that can't be settled, the LPAT provides a forum to resolve those disputes.

Why you should participate in the land use planning process

People can effectively express their individual or group interest in a planning matter by participating early in the process. This is important because it offers an opportunity for information exchange, especially if there are conflicting perspectives. Typically, municipal councils attempt to deal with concerns or disputes before making decisions on planning matters.

Alternative dispute resolution techniques can be used by a municipal council in resolving the matter locally and avoiding an appeal to the LPAT.

If you do not share your views, either by oral presentation at a public meeting or by written submission prior to council's decision on official plan or zoning bylaw amendments, or plans of subdivision, you do not qualify to appeal such matters to the LPAT.

While some planning matters, such as consent or minor variance applications, do not specifically require that you participate in the process in order to appeal, the LPAT has the power to dismiss an appeal without holding a hearing if the person or public body that launches an appeal has not made oral and/or written submissions before municipal council makes a decision.

Consent, site plan and minor variance appeals may not always be dealt with by the LPAT. Instead, municipalities that meet certain minimum requirements may establish their own appeal board, called a "local appeal body", to hear consent, minor variance, and/or site plan appeals. For example, the City of Toronto has established the Toronto Local Appeal Body. Contact your municipality to determine the appropriate appeal body for your area.

Make an appeal to the Local Planning Appeal Tribunal

If you are considering appealing a planning matter to the LPAT, be aware of certain requirements and limitations, described below.

Protecting your appeal rights

To protect your appeal rights – particularly with respect to official plans, zoning bylaws or plans of subdivision – ensure that you make your views known by making a written submission or an oral presentation at a public meeting.

Limits on appeals

Under the *Planning Act*, there are specific matters that cannot be appealed to the Local Planning Appeal Tribunal. Generally, there are no appeals for matters related to:

1. provincial decisions on official plans and major official plan updates where the Minister is the approval authority under section 26 of the *Planning Act*
2. refusals or failure of a municipality to make a decision within 210 days (commonly known as a "non-decision") on proposed amendments to alter the boundary of an "area of settlement" or establish a new "area of settlement"
3. refusals or non-decisions of a municipality on proposed amendments that would remove land from an "area of employment" if appropriate official plan policies are in place

4. official plan policies and zoning bylaw provisions authorizing residential second units (e.g., basement apartments, accessory units)
5. official plan policies and zoning bylaw provisions that relate to inclusionary zoning
6. official plans/amendments that implement certain matters with previous provincial approval, such as source water protection boundaries, [Growth Plan for the Greater Golden Horseshoe](#) employment and population projections, and [Greenbelt Plan](#) boundaries
7. non-decisions on adopted lower-tier official plans and updates if the appropriate upper-tier municipality states it does not conform with the upper-tier official plan
8. initial passing of a municipal interim control bylaw
9. official plan policies and zoning bylaw provisions that designate and zone lands identified as a Protected Major Transit Station Area to accommodate transit-supportive densities

In the case of a new official plan, there is no ability for a person or public body to appeal the entire plan, although generally, any part of the plan can be appealed, with the above noted exceptions.

Timelines for appeals

Appeals must be made within the timeframe allowed. In most cases, appeals must be made no later than 20 days after the day the council/planning board or approval authority gives its notice of decision on the planning proposal.

Your appeal to the LPAT should be made to the council/planning board or approval authority which gives the notice of decision. In most cases, they are required to send your appeal to the LPAT within 15 days after the appeal period expires.

Basis for an appeal

In making an appeal, cite the portion of the decision you are appealing. For example, in an appeal of a zoning bylaw or official plan matter, specify which part of the official plan you are appealing, whether you are appealing part of or all of the zoning bylaw. In an appeal of a draft plan of subdivision, specify whether you are appealing the decision, a particular condition or all of the draft approval conditions and/or the lapsing provision.

Generally, you must also provide written reasons for your appeal.

For certain major planning matters, your reasons for appeal must relate to how a municipal or approval authority decision is inconsistent with the [Provincial Policy Statement](#), does not conform/conflicts with provincial plans or does not conform with an applicable official plan. The LPAT must apply this “consistency/conformity” standard to:

- appeals of municipal and/or approval authority decisions on official plans, official plan amendments, zoning bylaws, zoning bylaw amendments and community planning permit bylaws, and
- appeals of a municipality’s non-decision for applicant-initiated official plan or zoning bylaw amendment applications

To find out more about the specific appeal process for each type of planning application, see:

- [official plans](#)
- [zoning bylaws](#)
- [subdivisions](#)
- [land severances](#)

You can also discuss your plan to appeal with the municipal clerk or local planning office.

Appeal fee

You must provide the appeal fee required by the LPAT under the *Local Planning Appeal Tribunal Act, 2017*. For more information on the LPAT fee schedule, contact your municipal clerk, the approval authority or the LPAT.

How you will be informed about a Local Planning Appeal Tribunal hearing

Written notice of a public hearing must be given in advance. It is usually provided directly by mail to those affected. For some hearings, where there is significant public interest, notice may be published in a general newspaper. Depending on the type of application, the LPAT will provide notice itself or will require that the person initiating the appeal or the municipality provide notice, subject to the LPAT's directions.

For most planning applications, notice is sent out at least 30 days in advance of the hearing. However, in cases involving appeals against a municipal council's refusal of an official plan amendment or rezoning application, a 60-day notice is usually required. While the scope and method of notice has been standardized by the LPAT, it may direct more or less notice of a particular proceeding if it feels this is appropriate.

How the Local Planning Appeal Tribunal disposes of an appeal

Once an appeal is received by the LPAT, it is assessed to determine its validity. For appeals of major planning matters such as official plans and zoning bylaws, this assessment will include whether the notice of appeal provides an explanation that satisfies the consistency/conformity test.

If an appeal is determined to be valid, the associated documents, data and other relevant information contained in the appeal record are made available for review.

For appeals of major land use planning matters, the LPAT is required to hold a case management conference. At the case management conference, parties (e.g. appellant, municipality, and/or approval authority) and other interested persons are brought together to identify if additional parties should be added to the proceeding, confirm and narrow the issues in dispute, explore opportunities for mediation and settlement and deal with any other matter so that the hearing is held in a fair, cost-effective, and expeditious manner. A person who seeks party status (that means that they wish to fully participate in the appeal) or participant status (that means that they wish to make their perspectives known to the LPAT on some or all of the issues) is required to file a written submission to the LPAT 30 days prior to the case management conference to address the consistency/conformity test. The legislation does not allow LPAT to extend that 30 day time period. LPAT will determine the terms upon which a person may participate in the proceeding.

For appeals of other matters, a prehearing conference may be scheduled to deal with issues similar to the ones identified above.

If a hearing is required, the date is scheduled for a location such as the LPAT's office, a municipal office or a community centre.

The rules and procedures of the hearing, including the standard of review, how evidence is tested and the overall timelines will depend on the specific matter appealed.

A regulation under the *Local Planning Appeal Tribunal Act, 2017* sets out timelines for proceedings before the LPAT for land use planning appeals. The timeline to complete a proceeding is:

- 10 months for a municipality or approval authority's decision or a municipality's failure to make a decision regarding an official plan or zoning bylaw
- 6 months for a second decision of a municipality or an approval authority regarding an official plan or zoning bylaw, or a municipality or approval authority's failure to make a second decision regarding an official plan or zoning bylaw
- 12 months for an approval authority's failure to make a decision regarding an official plan or plan of subdivision
- 6 months for any other proceeding before the LPAT under the *Planning Act* (e.g. minor variances)

These time periods may be postponed to allow mediation (on consent of the parties) or if it is necessary to fairly decide on the matter.

For appeals of major land use planning matters, no party to the proceeding may put forward or call evidence at the hearing. A party does not have any right to call a witness or cross examine a witness at a hearing.

Other ways the Local Planning Appeal Tribunal may deal with appeals

Case management conference

A case management conference may be held before the LPAT schedules a hearing to bring parties and other interested persons together to define and narrow issues in dispute and discuss opportunities for mediation or settlement.

The LPAT is required to hold a case management conference for appeals of major land use planning matters, such as official plans and zoning bylaws.

Mediation

Mediation is used to bring together parties in dispute to see if they can settle the matter with the guidance of a mediator.

Mediation is a valuable process because:

- an impartial person (mediator) helps disputing parties try to reach a voluntary, mutually acceptable resolution on some or all of the issues of their dispute
- it can take place at any time, before or after a case management conference, pre-hearing or hearing
- at the mediation meeting, the LPAT member(s) will advise parties how the mediation will proceed and will set out the ground rules. The member guiding the mediation can help make discussion of the issues easier and may offer innovative solutions. All documents and anything said in the mediation are confidential. Unlike a hearing, a mediation meeting may not include the public
- LPAT members are bound by a code of conduct to guide their conduct and promote confidence in mediation as a process for resolving disputes

The role of community groups

The LPAT carefully considers comments made by community groups.

A community group needs to be incorporated if it wants to file an appeal in the name of the group. If your group has not been incorporated, a notice of appeal may be made in the name of an individual who is a member of the association or the group on its behalf. It is important for community groups to be involved early in the municipal planning process to preserve their appeal rights and to be made aware of LPAT filing requirements.

Costs involved in a Local Planning Appeal Tribunal hearing

The LPAT charges a filing fee for certain kinds of appeals. Contact your municipal clerk, the approval authority or the LPAT for the fee schedule. In addition, the LPAT has the power to award costs in certain circumstances. Unlike the courts, costs are not routinely awarded to the successful party at the appeal.

The powers of the Local Planning Appeal Tribunal

When a matter is appealed to the LPAT, the LPAT may hold a hearing where the parties to the proceeding will have an opportunity to express their views. The LPAT can decide whether to conduct a written, electronic or oral hearing.

Appeals based solely on consistency/conformity

For certain major planning matters, the LPAT must dismiss an appeal of a municipal decision unless the municipality's decision is inconsistent with the PPS, does not conform/conflicts with provincial plans or does not conform with an applicable official plan.

This type of appeal generally applies to:

- appeals of municipal decisions on official plans, official plan amendments, zoning bylaws, zoning bylaw amendments and community planning permit bylaws, and
- appeals of municipal non-decisions for applicant-initiated official plan or zoning bylaw amendment applications

Example: Someone files an appeal of a municipal council's decision to adopt an official plan amendment.

If the LPAT finds that the municipal decision aligns with provincial and local policies, the appeal will be dismissed and the municipal decision will be final.

If the LPAT determines that the municipal decision does not align with provincial and local policies, the matter will be returned to the municipality to make a new decision.

Opportunity to reconsider

If the LPAT returns the matter back to a municipality because the decision was not aligned with local or provincial policies and plans, the municipality will be able to address any shortcomings, while continuing to have the opportunity to address local matters when making a new decision. When reconsidering a matter returned by the LPAT, a municipality will need to reassess the matter, hold a public meeting and issue a second decision. If a municipality fails to make a second decision on an application within 90 days, the matter can be appealed.

Second decision

If a municipality makes a new decision after a matter has been returned to them by the LPAT, that second municipal decision will be final unless it is appealed.

If the second decision is appealed, the LPAT will hear the matter and make a determination on whether the municipality's new decision aligns with provincial or local policies. If it does align, the municipal decision will be final. If the decision by the municipality is again inconsistent or does not conform with local or provincial policies, the LPAT will make a final decision on the matter.

Other types of appeals

Appeals of other planning matters, such as subdivisions, consents and minor variances, will not be subject solely to the consistency/conformity standard. These types of appeals are typically based on an assessment of specific criteria and cannot be properly addressed through by only applying a consistency/conformity standard.

Appeals of an approval authority's failure to make a decision within the required timeframe are also not subject solely to the consistency/conformity standard.

For the types of appeals listed above, the LPAT has the authority to make a final determination on the matter. In making its determination, the LPAT is required to have regard to the municipality or approval authority's decision on the matter and any information and material that the municipality or approval authority considered when making its decision.

Powers to dismiss an appeal

The LPAT has expanded powers to dismiss an appeal without a hearing based on a number of grounds which, depending on the matter appealed, can include:

- appeal is not based on any apparent land use planning grounds
- appeal is not made in good faith or is frivolous or vexatious, or is made only for the purpose of delay
- appeal constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with
- appeal is substantially different from that which was before council at the time of its decision
- appellant did not make oral submissions at a public meeting or provide written submissions to the municipal council/approval authority before a decision was made
- appellant has not provided written reasons for the appeal
- appellant has not paid the fee required by the LPAT
- appellant did not respond to the LPAT's request for further information within the time specified by the LPAT

Where the consistency/conformity standard of review applies, the LPAT must dismiss an appeal if the appeal letter does not explain how the appealed decision is inconsistent with the PPS, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

Legal representation

If you intend to launch an appeal, be well prepared for your hearing and ready to present detailed information in support of your views. Depending on the complexity of the issue, you may wish to hire a lawyer to represent you.

In certain cases, and depending on the type of appeal, lawyers and representatives may question the witnesses and make statements and arguments based on the evidence presented. You do not have to be represented by a lawyer or representative but most municipalities and people making appeals are.

If you don't hire a lawyer or representative, you will have to:

- obtain the documents you need to present your case
- make copies for all parties (except of public documents like official plans)
- present relevant facts (evidence) clearly and logically to prove your case to the LPAT

Contact the Local Planning Appeal Tribunal

The [Citizen Liaison Office](#) is available to assist with explaining the Local Planning Appeal Tribunal's rules, practices and procedures as well as questions about the status of a hearing event.

The Citizen Liaison Office is available by phone at (416) 326-6792 and toll free at (866) 448-2248. You can also email the Citizen Liaison Office at ELTO.CLO@Ontario.ca.

Contact the Local Planning Appeal Support Centre

The Local Planning Appeal Support Centre helps people understand and navigate Ontario's land use planning and appeal process. The support centre provides people across Ontario with information on land use planning and offers legal and planning advice at different stages of the appeal process. If you would like to speak to a

staff member at the centre, please [submit an inquiry online](#) or call 1-800-993-8410.

You can visit the centre online at www.lpasc.ca

Northern Ontario

How planning is different in Northern Ontario

In Northern Ontario, some of the steps involved in land use planning differ from those in the rest of the province. Some of the reasons include:

- the municipal structure in Northern Ontario is not the same as in Southern Ontario
- far distances between communities sometimes make public participation in planning issues difficult
- much of Northern Ontario is Crown land

As a result, land use planning in some northern municipalities and in areas that have no municipal organization may be shared by three authorities:

1. planning boards, which coordinate over-all future growth and land use planning activities. They can adopt official plans. They can also pass zoning bylaws in areas without municipal organization within their jurisdiction
2. the Minister of Municipal Affairs and Housing, who defines planning areas and initiates zoning controls in some areas without municipal organization
3. the Ministry of Natural Resources and Forestry, which manages Crown land on behalf of the public

The role of a planning board

A planning board is authorized to prepare an official plan for its planning area. In Northern Ontario, planning areas are generally made up of various combinations of municipalities and areas without municipal organization but may also include an area consisting of all municipalities or all areas without municipal organization.

Members of planning boards representing municipalities are appointed by the local municipal councils, and members from the areas without municipal organization by the Minister of Municipal Affairs and Housing. The Minister decides the number of members to be appointed. In addition to preparing official plans and zoning bylaws, planning boards also provide advice and assistance to municipal councils and the Minister in matters of local land use planning.

If there is no established municipal structure, planning boards assume the planning role of local council. They develop policies on land use planning that reflect the interests of the entire planning area, and coordinate over-all future growth. They also have the power to pass zoning bylaws for areas without municipal organization within the planning area.

Where the authority is delegated, planning boards also carry out planning functions on behalf of the Minister, with the exception of the approval of official plans and official plan amendments. The delegated functions may include the power to grant subdivisions and consents, and administer zoning orders. A delegated

planning board may charge a fee for processing applications.

The role of the Minister of Municipal Affairs and Housing

In Northern Ontario, the Minister has authority to:

- define and establish planning areas and planning boards
- protect provincial interests through the input, review and approval of planning applications and decisions
- act in place of municipal councils in areas without municipal organization, unless planning boards have been established
- approve official plans and amendments, or exempt official plans and amendments from approval
- enact Minister's zoning orders, mainly in the areas without municipal organization or in exceptional circumstances
- where planning boards exist, deem Minister's zoning orders in the areas without municipal organization to be the zoning bylaws of the planning boards
- approve development applications (plans of subdivision and consent applications) except in those areas where approval is given to other approval authorities, such as planning boards

The role of the Ministry of Natural Resources and Forestry

The Ministry of Natural Resources and Forestry is responsible for the planning and management of Crown land in Ontario. Its activities are related to the use of Crown land, water, forest, fish, wildlife and mineral aggregates as well as outdoor recreation.

Before Crown land is developed, the Ministry of Natural Resources and Forestry consults with affected municipal councils and planning boards and takes into consideration existing official plans and policies. Ministry of Natural Resources and Forestry staff also refer to their Ministry's land use and resource management plans to help guide development activities on Crown land. These documents are not "official plans" but contain important information for the protection and use of Ontario's natural resources.

Preparing official plans and official plan amendments

Although the process is very similar throughout Ontario, there are a few special provisions that apply only to official plans and amendments in the north. These provisions establish the requirements for when a planning board prepares and recommends an official plan for adoption by member municipalities. In a planning area made up entirely of areas without municipal organization, the official plan will be prepared and adopted by the planning board. As in Southern Ontario, once a decision is made, the proposal must be approved by the Minister of Municipal Affairs and Housing, unless the plan is exempt from approval.

In a planning area made up of one or more municipalities and which includes areas without municipal organization, the official plan will be prepared and adopted by the planning board for the part of the planning area without municipal organization. The planning board then recommends the official plan to the member municipalities for adoption (it is adopted by the planning board for the part of the planning area without municipal organization). Once the plan is adopted by the majority of member municipalities, it is forwarded

to the Minister of Municipal Affairs and Housing for approval.

For more detailed information about how the process works in your area, contact your municipality or planning board. (See [section 2](#), Official plans)

How zoning is different in Northern Ontario

Where local municipalities exist, zoning is handled in the same way as in the rest of Ontario. (See [section 3](#), Zoning bylaws)

In areas without municipal organization, zoning may be carried out by a planning board or the Minister of Municipal Affairs and Housing. In these areas, a planning board has the same powers as a municipality to pass and administer zoning bylaws. Where the Minister of Municipal Affairs and Housing is involved, the Minister may enact Minister's zoning orders.

If the area covered by a Minister's zoning order is within a planning board's area, the Minister may decide to either delegate administration of the order to the local planning board or deem it to be a zoning bylaw of the planning board. In this case the planning board will assume all the powers of a municipal council over zoning matters.

When a zoning order is imposed, the usual requirements for notice, public information and a public meeting do not apply. But within 30 days of issuing an order, the Minister gives public notice and makes a copy of the order available at the appropriate land registry office.

Zoning orders take precedence over any existing local zoning bylaws, and may define:

- areas where development can take place
- specific controls to protect against indiscriminate development
- standards for land development, such as lot size, building setback, and parking requirements within each zone

Utility and hydro hook-ups cannot be approved unless a proposal complies with the Minister's zoning order. Utilities distributors and agencies will normally expect to receive a letter confirming compliance from the agency responsible for administering the Minister's zoning order before approving any utility or hydro hook-up. Fines can also be imposed for contravention of a zoning order.

Changing a Minister's zoning order

Amending all or part of a zoning order involves submitting an application to the Minister or to the local planning board. Where the Minister has delegated the administrative authority, the planning board is responsible for:

- evaluating the application against the area's official plan, the Northern Growth Plan and the [Provincial Policy Statement](#) (PPS)
- providing information to the public, including a public notice in a local newspaper, with details about the proposal and providing an opportunity for concerned citizens to request a referral of the proposal to

the Local Planning Appeal Tribunal (LPAT)

- consulting with any interested individuals and agencies
- recommending a decision to the Minister

The Minister can decide to either approve or refuse the proposal. If anyone's concerns cannot be resolved through discussions with the planning board or Ministry staff, the person may ask the Minister to refer the matter to the LPAT for a hearing. The Minister also has discretion whether to refer matters to the LPAT.

If a matter is referred, LPAT holds a hearing and makes a recommendation to the Minister of Municipal Affairs and Housing who then makes a final decision on the matter.

The LPAT is an independent administrative tribunal responsible for hearing land use planning appeals. (See [section 6](#), Local Planning Appeal Tribunal)

Minor variances

If a proposed change is of "minor" significance and does not affect the general intent or purpose of the zoning order, a minor variance can be considered by the Minister.

The process of applying for a minor variance is almost the same as for a zoning order amendment, except that the need for holding a hearing, giving notice and appeal is eliminated.

Subdivisions, condominiums, consents and building permits

Applications for plans of subdivisions and condominium descriptions are submitted to the approval authority who is the Minister of Municipal Affairs and Housing or the municipality if it has been prescribed by regulation as an approval authority. Such applications are processed in the same manner as elsewhere in Ontario.

Some planning boards have also been delegated the authority to approve plans of subdivision, some for all of their planning area and some for just part. The Minister of Municipal Affairs and Housing has the responsibility for areas where the authority has not been delegated.

To find out who is responsible for plans of subdivision and condominium descriptions in your area - the Minister, municipal council or planning board - and how to apply, contact your municipality, planning board or [Municipal Services Office](#). (See [section 4](#), Subdivisions)

The land severance process is generally the same throughout the province, but in Northern Ontario, the processing of applications may be done by various authorities - the Minister, municipal council or the planning board. To find out who is responsible for severances in your area, and how to apply, contact your municipality, planning board or [Municipal Services Office](#) for your area. (See [section 5](#), Land severances)

Building permits are issued in Northern Ontario municipalities the same way as in Southern Ontario. (See [section 8](#), Building permits)

Other approvals that may be required

While the Building Code does not require building or demolition permits to be obtained in unincorporated parts of Northern Ontario, any construction, renovation, demolition and certain changes of uses of buildings are required to meet Building Code standards. There are other permits and approvals required in particular circumstances. For example, a septic system permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources and Forestry before you do any construction in the water (for example, a dock or boathouse with solid foundation).

Building permits

A building permit is a document issued by the body responsible for enforcing Ontario's Building Code in your area. A building permit is necessary when you wish to construct, renovate, demolish or change the use of a building.

Building Code enforcement, including issuing building permits, is generally carried out by municipal building departments, although in the case of on-site sewage systems, enforcement in some areas is conducted by boards of health and conservation authorities.

Why you need to obtain a building permit

Building permits allow your municipality to protect the interests of both individuals and the community as a whole. By reviewing and approving building permit applications before any work is done, the municipality can ensure that buildings comply with:

- the Building Code, which sets standards for the design and construction of buildings to meet objectives such as health, safety, fire protection, accessibility and resource conservation
- the local zoning bylaw and other planning controls on buildings
- other applicable legislation, including conservation authority approvals and certain requirements under the *Environmental Protection Act*

When you need a building permit

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- change the use of a building
- excavate or construct a foundation
- construct a seasonal building
- undertake work regarding the installation, alteration, extension or repair of an on-site sewage system

Contact your municipality if you have any questions about when a building permit may be required.

How you apply for a building permit

You can get an application for a building permit from either your municipality or the Ministry of Municipal Affairs and Housing's [Website](#). Note that building permit applications are submitted to your municipality, not to the provincial government.

When you apply, you'll have to attach drawings, plans, and other documents. You may also have to pay a fee.

It's a good idea to talk to the staff at your municipality before you apply. They can tell you what information, drawings and plans you'll have to include with the application and whether you'll need any other permits or approvals.

How your application is reviewed

Staff at your municipality will review your application to confirm that the proposed work complies with the Building Code and other applicable laws set out in the Building Code, such as local zoning bylaws. They may send your application to other local/municipal officials for comments.

Applications for a simple alteration or addition can be processed fairly quickly, but more complex proposals may take longer. The Building Code requires that a municipality review a complete permit application within a certain timeframe where the application meets the criteria set out in the Code. For example, the timeframe on a permit application for a house is 10 days. For a more complex building, such as a hospital, the timeframe is 30 days. Within this timeframe, a municipality must either issue the permit, or refuse it with full reasons for denial.

In order to be issued a permit, the proposed construction must comply with the Building Code and with the applicable laws set out in the Building Code. If you need a zoning change or a minor variance from the zoning bylaw (municipal zoning is considered applicable law), or if the proposed construction does not comply with the Building Code, a permit will not be issued until the zoning change or minor variance has been obtained, or the proposed construction complies with the Building Code.

If your property is covered by a site plan control bylaw, you may not get a building permit until the plans and drawings have been approved by the municipality. See [Zoning bylaws, No. 3](#) in the series, for more information about zoning, minor variances, and site plan controls.

What you can do if your application is refusedIf your municipality refuses your building permit application, you will be told why. If you can't resolve the problems with the municipality, you have a few options for appealing their decision.

If the problem relates to technical requirements set out in the Building Code, you may appeal to the [Building Code Commission](#). The Building Code Commission is an independent adjudicative tribunal of the provincial government whose mandate is to hear disputes related to compliance with the technical requirements of the Building Code.

If the problem relates to compliance with other applicable laws, such as interpretation of the zoning bylaw, you can appeal to a judge of the Superior Court of Justice, who will review the matter. You may want to talk to a lawyer first.

Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.

Demolition permits

Before you take down all or part of a building, you will have to apply to your municipality for a demolition permit. The process is much the same as for a building permit, but some special situations may affect your application.

In a demolition control area, for example, you will not be able to demolish a residential property until you have received a demolition permit issued by the municipal council.

Or, because of a building's historic or architectural importance, it may be designated, or be intended for designation, as a heritage building under the *Ontario Heritage Act*. In that case, demolition will require council's approval and there may have to be negotiations over how some of the unique character of the building can be preserved.

How to change a building's use

If you want to change the way you use all or part of a building, you may need a change of use permit, even if you're not planning any construction. A building evaluation may have to be done to make sure that the existing building can safely accommodate the proposed use. Different uses have different Building Code requirements.

Call your municipal building department to find out whether you will need a change of use permit.

Consequences for violating the *Building Code Act, 1992*

An individual who is charged and found guilty of an offence under the *Building Code Act, 1992*, such as building without a permit, can be fined up to \$50,000 for a first offence and up to \$100,000 for subsequent offences. For a corporation, a first offence could result in a maximum fine of \$500,000 and \$1,500,000 for subsequent infractions.

Failure to comply with an order from the municipal building department is also an offence under the *Building Code Act, 1992*.

Other approvals that may be required

In addition to the planning approvals and building permit which are required for a building project, other permits and approvals may be required in particular circumstances, e.g., Conservation Authority and Ministry of Transportation approvals. These approvals are considered applicable law. Generally, the applicable laws, which are set out in the Building Code, must be complied with prior to the building permit being issued.

How you can find out more

For more information about building permits in your community, contact your [municipal building department](#). For more information about land use planning in Ontario, or how to obtain copies of the Citizens' guide contact your nearest [Municipal Services Office](#).

The plan review and approval process

Decision-making authority for land use planning matters

Traditionally, most land use planning decisions have been made by the Minister of Municipal Affairs and Housing and, in some cases, a municipality. To support local decision making in land use planning, the province has transferred far more approval authority to municipal councils and planning boards.

The Ministry of Municipal Affairs and Housing has prepared [a table that summarizes where planning authority resides in Ontario](#).

The province retains a significant role in land use planning policy development, advocacy and oversight when provincial interests are at plan.

Where the province continues to make planning decisions, 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, planning boards, developers and the public with one-stop access for provincial planning services.

This one window approach provides a single provincial process which integrates the perspective of several ministries: Municipal Affairs and Housing; Environment, Conservation and Parks; Natural Resources and Forestry; Transportation; Tourism, Culture and Sport; Agriculture, Food and Rural Affairs; Energy, Northern

Development and Mines; Infrastructure, Economic Development, Job Creation and Trade; and Health and Long-Term Care.

Municipal plan review

Municipal plan review is the process of making decisions on planning applications where the municipality or planning board is responsible for making land use planning decisions. 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 its authority to a committee of council or senior staff.

When a municipality or planning board makes these decisions, it must ensure that provincial interests are integrated in its consideration of local planning interests.

Protecting provincial interests

The Provincial Policy Statement (PPS) which came into effect April 30, 2014, contains 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 PPS. This means that a decision-maker must ensure that the policies in the PPS are applied as an essential part of the land use planning decision-making process. Refer to [section 1](#), The *Planning Act*, for an explanation of the PPS 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 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 Local Planning Appeal Tribunal

Decisions on a planning application can generally be appealed to the [Local Planning Appeal Tribunal](#) (LPAT) by any person or public body that has made an oral submission at the public meeting or made a written submission to the planning authority before it makes a decision. If they have not made submissions, then they cannot appeal in most cases. In the case of appeals, the planning authority must then forward information related to the application to the LPAT which will hold a hearing. Specific information regarding the appeal process is provided in [section 6](#), Local Planning Appeal Tribunal.

The Ministry of Municipal Affairs and Housing is the only provincial ministry that can file appeals to the LPAT.

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 LPAT.

For certain matters proceeding to the LPAT, the Minister of Municipal Affairs and Housing may declare that an official plan, official plan amendment, zoning bylaw or holding provision bylaw before the LPAT may adversely affect a provincial interest. In such cases, after a hearing is held and the LPAT renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the LPAT's decision on the matter.

Getting an 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 decision-making authority to discuss your application and to determine what information is required for a complete application. In cases where that authority is the local municipality, the first two steps may be carried out at the same time.

Your application for changes to land use should be submitted to the decision-making authority (which may be the local municipality). The decision-making authority will make the decision to approve or refuse your application and inform you of that decision.

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

Refer to other sections of the Citizens' guide for slight variations to the process. For example, the various land use planning applications are described in:

- [official plans](#)
- [zoning bylaws](#)
- [subdivisions](#)
- [land severances](#)

The importance of early consultation

It is very important to consult with the decision-making 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 authority to discuss your application and to clarify what information is required for a complete application. This will ensure that the authority has all the information required to make an appropriate decision without incurring unnecessary delays.

The type of information that is required

A typical application form identifies the information that is required by the decision-making 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 decision-making 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.

A decision-making 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 authority confirms that an application is incomplete, and you, the applicant, disagree with the decision, the applicant has 30 days to make a motion to the LPAT for determination on the matter. The LPAT's decision is final.

Decision-making authority for different planning applications

The decision-making authority may vary depending on the municipality and the type of planning application. Contact your municipality to determine who approves your particular planning application.

Approval process for official plan amendments

The approval authority for official plans and plan amendments is either the upper-tier municipality for lower-tier municipalities or the Ministry of Municipal Affairs and Housing for upper-tier and single-tier municipalities. They approve 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 municipality simply gives notice of its decision, there is a 20-day appeal period and, in the event of an appeal, the LPAT would consider the matter and make a decision.

For more information about your rights to appeal, see [section 6](#), the Local Planning Appeal Tribunal.

Summary of the plan review process for official plans

1. before an application is submitted, the applicant should consult with municipal staff and, as appropriate, the approval authority
2. following pre-consultation, a complete application is submitted to the local municipality
3. local municipality review: In all cases, the local municipality will review the application for completeness and conformity with the official plan and alignment with provincial interests and policies,

consult with the approval authority and hold a public meeting. The local municipality will then adopt or refuse the proposed official plan amendment

Municipal plan review: If the upper-tier municipality is the approval authority, the upper-tier will review if the application is aligned with county/regional and provincial interests and policies and provide a position to the local municipality

One window plan review: If the Ministry of Municipal Affairs and Housing is the approval authority, the Ministry will review whether the application is aligned with provincial policies and plans provides a provincial position to the municipality

4. the local municipality will give notice of their decision
5. if the official plan amendment is not exempt from approval, the approval authority will review if the adopted official plan amendment aligns with provincial and, if applicable, upper-tier interests and policies and give notice of their decision
6. with some restrictions, any qualifying person or public body may appeal to the Local Planning Appeal Tribunal

Refer to [section 2, Official plans](#) for more information on official plans and amendments and the corresponding appeal process.

Approval process for plans of subdivisions

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

When 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 [section 4 for more information on subdivisions](#).

Approval process for consent/severance applications

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.

Summary of the plan review process for subdivisions and land severances

1. before an application is submitted, the applicant should consult with the decision-making authority
2. following pre-consultation, a complete application is submitted to the decision-making authority
3. the decision-making authority ensures notices of the application are given and, if applicable, public meeting is held
4. the approval authority will make its decision to approve the matter with conditions or refuse
5. notice of decision is sent to the applicant and those requesting notification
6. with some restrictions, any qualifying person or public body may appeal to the Local Planning Appeal Tribunal

Refer to [section 4](#) and [section 5](#) for more information on subdivisions, land severances and the corresponding appeal process.

Approval process for zoning bylaws

The municipal council decides whether to pass or refuse an amendment to its zoning bylaw. 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 bylaw 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 [section 3 for more information on zoning bylaws](#).

How the plan review process benefits 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

[© Queen's Printer for Ontario, 2012-19](#)