



Planning Procedures Manual

Administrative Procedures

for

Planning Applications

Planning Act, R.S.O. 1990

Including Procedural Changes as a

Result of Bill 109 & 23

Prepared by:

Huron County Planning & Development Department

Updated: August 4, 2023

Planning Applications

This document does not contain the forms for planning applications in Huron County.

Planning application forms are available from each municipal website, their respective offices or through the Huron County Planning & Development **website**.

Included Legislative Amendments

Bill 51 – Planning and Conservation Land Statute Law Amendment Act, 2005

Bill 73 – Smart Growth for Our Communities Act, 2015

Bill 139 – Building Better Communities and Conserving Watersheds Act, 2017

Bill 109 – More Homes More Choice, 2019

Bill 23 – More Homes Built Faster, 2022

DISCLAIMER: While the information provided in this document is accurate as of December 22, 2022, the *Planning Act* should be consulted for more specific direction and to ensure applications are being process according to the most current regulations.

Table of Contents

Official Plan 5 Year Review (Local Municipalities)	6
Introduction	6
Process.....	6
Official Plan 5 Year Review	11
Sample Notices & Additional Materials	11
Official Plan Amendment (Local Municipalities)	28
Introduction	28
Process.....	28
Official Plan Amendment (Local Municipalities)	33
Sample Notices & Additional Materials	33
Official Plan Amendment (County)	50
Introduction	50
Process.....	50
Official Plan Amendment (County)	54
Sample Notices & Additional Materials	54
Zoning By-law Amendments	65
Introduction	65
Process.....	65
Temporary Use By-laws	68
Introduction	68
Background [Section 39].....	68
Process.....	69
Removal of Holding Symbol	72

Introduction	72
Process.....	72
Sample Notices & Additional Materials.....	74
Minor Variances	86
Introduction	86
Process.....	86
Minor Variances	89
Sample Notices & Additional Materials	89
Interim Control By-law or Extension of an Interim Control By-law	94
Introduction	94
Process.....	94
Undisputed Consent Applications.....	96
Introduction	96
Process.....	96
Undisputed Consents (staff approval)	96
Disputed Consents (committee decision).....	97
Subdivision / Condominium Process.....	99
Introduction	99
Process.....	99
Subdivision and Condominium Approvals Procedures: an Applicant’s Guide	105
Introduction	105
Subdivisions	105
Condominiums.....	105
Plan of Subdivision/Condominium Process in Huron County	106
Draft Plan Requirements.....	106

Completeness of Application	108
Right to Appeal	110
Draft Approval Meeting	111
Clearing Conditions	111
Subdivision Agreement.....	111
Changing Conditions and Lapsing	111
Responsibility	112
Subdivision and Condominium Applications	117
Sample Notices	117
Deeming By-law and	123
Introduction	123
Repealing of a Deeming By-law.....	123
Process.....	123
Part Lot Control Exemption	126
Introduction	126
Deeming By-law & Part Lot Control Exemption	128
Sample Notices	128
Validation Certificate.....	132
Introduction	132
Process.....	132
Sample Validation Certificate	133
Certificate of Validation of Title	134
Appeals to the Ontario Land Tribunal.....	135
Introduction	135
Refer to the OLT Website for the Most Up to Date Information Regarding Appeals ...	135
Appeals.....	135

Municipal Responsibilities	136
Grounds for Dismissing an Appeal	136
Hearing Outcome	136
Costs	137
Final Decision	137
Other Resources	138
Sign posting for Notice of Application.....	139
Official Plan Amendment	139
Subdivision / Condominium	139
Consent	139
Zoning By-Law Amendment	139
Minor Variance	139

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Official Plan 5 Year Review (Local Municipalities)

(Sections 17 & 26 of the Planning Act RSO, 1990 as amended and Ontario Regulation 543/06, as amended)

Introduction

Section 26 of the Planning Act sets out the process and requirements for the review of an Official Plan. Huron County Council is the approval authority for amendments to local Official Plans as a result of a Five-Year Review.

Process

Initiate 5-year review process

- Report from the Planner advising Council of the statutory requirement for Council to consider the need for a review of their official plan.
- Council passes a resolution to initiate the review and sets the date of the required special meeting of Council.

Consultation on Need for a Review & Special Meeting [Sec. 26(3)]

- Before revising the official plan, the municipality must consult with the County and the prescribed bodies with respect to the revisions that may be required to the official plan. [Sec. 26(3)(a)]. See **cover letter** and **sample notice**.
- A notice of a special meeting of council, open to the public, to discuss the revisions that may be required to the official plan must be published at least once per week in each of two separate weeks, at least 30 days prior to the date of the meeting [Sec. 26(4)]. See **sample newspaper notice**.
- A special meeting of council, open to the public, must be held to discuss the revisions that may be required to the official plan [Sec. 26(3)(b)].

Draft the Proposed Revisions to the Official Plan

- The Planner, in consultation with Municipal staff and in response to comments and information received from Council, the public, and the prescribed agencies, drafts a proposed amendment to the official plan.

Information available to the public

- Adequate information and material related to the official plan review must be made available to the public. [Sec. 17(15)(c)] Placing the current official plan, the proposed amendment, and any background material on the municipality's website, perhaps the local library(ies) as well, and having it available at the Municipal office may satisfy this requirement.

Consultation with Agencies & Approval Authority during Review

- The municipality must consult the County and the prescribed bodies on the preparation of the plan amendment and give the County and the prescribed bodies the opportunity to review all supporting information and material, the proposed amendment and the prescribed information and material. [Sec. 17(15)(a) &(b), O. Reg. 543/06 Sec. 2]. See **list of Prescribed information and material** under Sec. 17(15)(a) &(b).

Public Open House and Public Meeting

- The municipality is required to hold at least one public meeting and at least one public open house prior to adopting the proposed amendment. [Sec. 17(15)(d), 17(16)] The Notice of Public Open House and Public Meeting can be combined into one notice. [O. Reg. 543/06 Sec. 3(2)] See **sample combined open house & public meeting notice** (excluding posting and newspaper notices) and the **sample combined open house & public meeting newspaper notice**.
- The public open house must be held a minimum of 7 days prior to the public meeting. [Sec. 17(18)]
- Notice of a public meeting for an official plan amendment as a result of a 5 Year Review is given 20 days prior to the public meeting. [Sec. 17(19)]
- The notices for both the public meeting and the public open house include 1, 2, 4, 5, 6; or 3, 4, 5, 6:
 - 1) personal service or ordinary mail to every owner of land within 120 meters of the subject property. A condominium corporation may be notified instead of all assessed owners within the development. The owner of any land containing 7 or more residential units is to be requested to post the notice in a location that is visible to all residents; and
 - 2) by posting a sign on each separately assessed property to which the official plan amendment would apply, or if this is impractical, at a nearby location chosen by the clerk;
 - 3) publication in the newspaper;
 - 4) by personal service, ordinary mail, email or fax to persons who have requested in writing to be notified;
 - 5) by personal service, ordinary mail, email or fax to the required agencies. A copy of the application must also be sent to the required agencies. [O. Reg. 543/06 Sec. 3]
 - 6) at the public meeting, council must ensure that information is made available to the public regarding who is entitled to appeal. [Sec. 17(19.5)]

Adoption of Amendment & Declaration regarding the Revised Official Plan

[Sec. 17(22) & (23), Sec. 26(7)]

- When the requirements of the above notices and public meeting and open house have been met and the local Council is satisfied that the amendment is suitable for adoption, the local council may by by-law adopt the plan amendment and submit it to the County of Huron for approval.
- Council must declare by resolution to the County that the revised official plan will meet the requirements of Section 26(7) with respect to provincial plan conformity, regard for matters of provincial interest, and consistency with the provincial policy statement. *[Sec. 26(7)]*. See **sample resolution**.
- The local municipality must circulate a notice of adoption to the County, required agencies and anyone who requested notice of adoption within 15 days of passing of the by-law. This notice is to be given by personal service, ordinary mail, fax or email. *[Sec. 17(23), O. Reg 543/06 Sec. 4]* See **sample Notice of Adoption**.

Record of the Clerk [Sec. 17(31); O. Reg. 543/06 Sec. 7]

A record compiled by the clerk of the municipality must be forwarded to the County within 15 days after the day the plan was adopted and must include:

- A certified copy of the by-law adopting the proposed official plan amendment;
- A certified copy of the proposed official plan amendment;
- A certified copy of the Notice of Adoption or Notice of Rejection which was circulated within the required 15 days of passing of the by-law;
- The original or a copy of all written submissions and comments and the dates they were received;
- An affidavit or sworn declaration by an employee of the municipality containing:
- A certificate that the requirements for giving notice and holding a public meeting and open house have been complied with;
- A certificate that the requirements for giving notice of adoption have been complied with; and
- A list of all persons and public bodies that made oral submissions at the public meeting. *[O. Reg. 543/06 S. 14(1)]* See **sample affidavit/sworn declaration**.
- An affidavit or sworn declaration by the clerk or, if delegated by resolution of the municipality, another employee of the municipality certifying that the information and material provided as required by Section 17(15)(a) and (b) is accurate; *[O. Reg. 543/06 S. 14(2)]* See **sample affidavit/sworn declaration**.

- The prescribed information and material required by Section 17(15)(a) and (b); See list of **Prescribed information and material** under Sec. 17(15)(a) &(b).
- A statement from an employee of the municipality whether the decision of council is consistent with the Provincial Policy Statement and conforms to or does not conflict with any applicable provincial plan; See **sample statement**
- A copy of the minutes from the public meeting(s);
- A copy of the planning report(s) considered by council; and
- The original or a certified copy of the supporting information and material provided under Sec. 17(15)(a) & (b) and any other information required to be provided by the Huron County Official Plan.

County Approval [Section 17(34)]

- The adopted 5 year review official plan amendment will be considered by the County's Committee of the Whole Day 1 Committee who will recommend to County Council that all or a part(s) of the amendment be approved, modified and approved, or refused. County Council will make the final decision.

Notes:

- The County cannot approve any part of the amendment that does not conform with either the County official plan or a 5 year review amendment of the County official plan that is adopted before 180 days after the local municipality adopted its amendment. There is no appeal of the County's determination as to the conformity of the local municipality's plan amendment's conformity with the County official plan. *[Sec. 17(34.1), (40.2) and (40.3)]*
- If the County fails to give notice of decision on the plan amendment within 180 days of receiving the adopted amendment (or up to 90 days longer than that if an extension for the time of appeal has been agreed upon), any person or public body may appeal to the Municipal Board regarding all or any part of the plan for which a notice of decision has not been issued. At any time after receiving a notice of appeal for a non-decision, the County may give 20 days' notice that no further appeals for a non-decision are permitted. Sec. 17(40), (40.1), & (41.1)

Notice of County Decision [Section 17(35), O. Reg. 543/06 Sec. 8]

- The County must circulate a notice of decision which can be given by personal service, ordinary mail, fax or email. The County will, not later than 15 days after the date of its decision, ensure that written notice is given of its decision to:
- The council that adopted the amendment (i.e. the local municipality);
- Each person or public body that made a written request to be notified of the decision; and any other person or public body prescribed as shown in the circulation list. See **sample notice of decision.**
 - The appeal period is 20 days from the day after the notice of decision is mailed and if there are no appeals, the County will mail a copy of the approved official plan amendment along with a letter advising of the status of the decision to the local municipality, anyone who had requested notice, and the prescribed agencies advising that the amendment is in full force and effect beginning the day after the last day for appeals. See **sample Status of Decision (No Appeals or Appeals Withdrawn).**

Consolidation

- The official plan is consolidated by the County to reflect the amendment and a copy of the consolidated official plan is provided to the local municipality.

Lodging of Plan [Sec. 20]

- A certified copy of the official plan amendment will be kept in the office of the clerk of the municipality.

Official Plan 5 Year Review Sample Notices & Additional Materials

Sample

Consultation on Need for a Review & Special Meeting [Sec. 26(3)]

Cover Letter to County & Prescribed Bodies (include Section 26 special meeting notice)

<<<insert Municipality's letterhead>>>

<<<Date>>>

Dear Partner in Planning,

Re: Notice of Update to the <<<Municipality>>> Official Plan under Section 26 of the Planning Act

Please be advised that the <<<Municipality>>> intends to undertake a review of the <<<Municipality>>> Official Plan.

The Official Plan is a land use planning document that is a statement of where and how building and development should take place in the Municipality. The Plan includes the vision, goals and policy directions for development in <<<Municipality>>>.

The <<<Municipality>>> Official Plan came into effect in <<<Year>>> and under Section 26 of the Planning Act, R.S.O. 1990, as amended, the Council of the Municipality who adopted the Official Plan shall revise the Official Plan to ensure that it conforms with provincial plans, has regard to matters of provincial interest, and is consistent with policy statements issued by the Province. The <<<Municipality>>> Official Plan will also be updated to conform with the Huron County Official Plan.

In accordance with Section 26 (3)(a) of the Planning Act, R.S.O 1990, as amended, the purpose of this letter is to advise your organization that <<<Municipality>>> Council intends to update the Official Plan and will be consulting with you throughout the Official Plan Review process.

Please find attached a notice detailing a Special Meeting of Council to consider revisions that may be required to the <<<Municipality>>> Official Plan. Verbal or written comments are welcomed from your organization at, or prior to, this meeting.

Sincerely,

<<<Clerk's name>>>, Clerk

Corporation of the <<<Municipality>>>

Encl.

Sample

Consultation on Need for a Review & Special Meeting [Sec. 26(3)]

Section 26 Special Meeting Notice (for newspaper and to County & prescribed bodies)

<<<Insert Municipality's logo>>>

**Special meeting of <<<Municipality>>> council
To discuss revisions that may be required
To the <<<Municipality>>> Official Plan**

Take Notice that the Corporation of the <<<Municipality>>> will hold a Special Meeting of Council to discuss revisions that may be required to the <<< Municipality >>> Official Plan. This meeting is a legislated meeting under Section 26(3b) of the *Planning Act, RSO, 1990*.

Special meeting of Council will be held:

<<<Date>>> at <<<Time>>>
in the <<<Location>>>,
<<<Address>>>

Be Advised that the <<< Municipality >>> Official Plan came into effect in <<<Date>>> and that under Section 26 of the *Planning Act, R.S.O. 1990*, as amended, the Council of the municipality who adopted the Official Plan shall revise the Official Plan to ensure that it conforms with provincial plans, has regard to matters of provincial interest, and is consistent with policy statements issued by the Province.

Any Person may attend the Special Meeting of Council and/or make written or verbal representation about what revisions may be required.

Dated at the <<< Municipality >>> this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

<<<Clerk's Name>>>, Clerk
Corporation of the <<< Municipality >>>
<<<Address>>>
Phone: <<<Phone>>>
Fax: <<<Fax>>>

Prescribed information and material under Sec. 17(15)(a) &(b)

- A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
- If known, the approximate area of the subject land, in metric units.
- Whether the proposed amendment changes, replaces or deletes a policy in the official plan.
- If the answer is yes, the policy to be changed, replaced or deleted.
- Whether the proposed amendment adds a policy to the official plan.
- The purpose of the proposed official plan amendment.
- The current designation of the subject land in the official plan and the land uses that the designation authorizes.
- Whether the proposed amendment changes or replaces a designation in the official plan.
- If the proposed amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.
- The land uses that the proposed amendment would authorize.
- Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.
- Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
- If the proposed amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
- A servicing options report, and
- A hydrogeological report.
- Whether the subject land or land within 120 metres of it is the subject of an application under the Act for,
 - A minor variance or a consent,
 - An amendment to an official plan, a zoning by-law or a Minister’s zoning order, or
 - Approval of a plan of subdivision or a site plan.

- If the answer is yes, the following information about each application:
 - Its file number,
 - The name of the approval authority considering it,
 - The land it affects,
 - Its purpose,
 - Its status, and
 - Its effect on the proposed amendment.
- Whether the proposed amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.
- Whether the subject land is within an area of land designated under any provincial plan or plans.
- If the answer is yes, whether the proposed amendment conforms to or does not conflict with the provincial plan or plans.
- The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality.

Sample

Combined Notice of Public Open House and Public Meeting

(Excluding posting and newspaper notices) Sec. 17(15)(d) & (16), O. Reg. 543/06 Sec. 3(15)

**Public Meeting & Open House
concerning
A proposed Official Plan Amendment
affecting the Municipality of <<<Municipality>>>**

Take Notice that the Council of the Corporation of the Municipality of <<< Municipality >>> will hold an open house on <<<Date & Time>>> in <<<Location>>> and a public meeting on <<<Date & Time>>> in <<<Location>>> to consider a proposed official plan amendment under Sections 17 & 26 of the Planning Act.

If you are an owner of any land containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

Purpose and Effect

<<<insert description of purpose and effect>>><<<if known that the subject lands are the subject of another planning application a statement to that effect and the file number>>>The proposed amendment affects all lands within the municipality.

Any Person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed official plan amendment.

If you wish to be notified of the adoption of the proposed official plan amendment, or of the refusal of a request to amend the official plan you must make a written request to <<< Municipality name & address>>>.

If a person or public body does not make oral submissions at a public meeting or make written submissions to <<<Municipality>>> before the official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Huron to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting or make written submissions to <<< Municipality >>> before the official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Additional Information relating to the proposed amendment is available for inspection during regular office hours at the Municipal Office <<< Municipality address>>> and the County of Huron Planning and Development Department (519) 524-8394 x3.

Dated at the <<<Municipal Clerk's name>>>
Municipality of <<< Municipality >>> <<< Municipality address.>>>

This<<<day>>>day of<<<month>>>, <<, year>>>

Sample

Combined newspaper Notice of Public Open House and Public Meeting

Sec. 17(15)(d) & (16), O. Reg. 543/06 Sec. 3(17)

**Public Meeting & Open House
concerning
a Proposed Official Plan Amendment
affecting the Municipality of <<<Municipality>>**

Take Notice that the Council of the Corporation of the Municipality of <<<Municipality>> will hold an open house on <<<Date & Time>> in <<<Location>> and a public meeting on <<<Date & Time>> in <<<Location>> to consider a proposed official plan amendment under Sections 17 & 26 of the Planning Act.

Purpose and Effect

<<<insert description of purpose and effect>>

<<<if known that the subject lands are the subject of another planning application a statement to that effect and the file number>>

The proposed amendment affects all lands within the municipality.

For More Information about this matter, including information about preserving your appeal rights, contact the Municipal Office at <<<Municipality Address>>.

Dated at the <<<Municipal Clerk's Name>>

Municipality of <<<Municipality>> <<<Municipality Address.>>

This<<<Day>>day of<<<Month>>, <<, Year>>

Sample

Council resolution re. provincial plan conformity, regard for matters of provincial interest, and consistency with the Provincial Policy Statement. Sec. 26(7)

Moved by

Seconded by

Be it resolved that the <<<Municipality>>> hereby declares that the <<<Municipality>>> Official Plan as proposed to be amended by <<<Municipality>>> By-law <<<by-law number>>> meets the requirements of clauses (1)(a), (b) and (c) of Section 17 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Sample

Notice of Municipality's Adoption of 5 Year Review OPA. Sec. 17(23)

<<<Insert Municipality's Logo>>>

**Notice of the Adoption
of an Official Plan Amendment
by the
Corporation of the <<<Municipality>>>**

Take Notice that Council of the <<<Municipality>>> adopted Official Plan Amendment # <<<OPA Number>>> (By-law # <<<By-Law number>>> on the <<<Day>>> day of <<<Month>>>, <<<Year>>> under Sections 17 and 26 of the Planning Act. This amendment now requires the approval of the County of Huron.

Purpose and Effect

<<<insert explanation of purpose and effect>>>

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

And Take Notice that any person or public body is entitled to receive notice of the proposed decision of the County of Huron if they submit a written request for notification to the County of Huron Planning & Development Department. The adopted Official Plan Amendment will now be submitted for approval to the County of Huron Planning and Development Department, 57 Napier Street, 2nd floor, Goderich, Ontario, N7A 1W2.

A copy of the Official Plan Amendment is available for inspection at the Municipal Office, <<<Insert Hours and Address>>>

Dated at the Municipality of <<<Municipality>>> this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

<<<Clerk's Name>>>, Clerk
Corporation of the <<<Municipality>>>
<<<Address>>>
Phone: <<<Phone>>>
Fax: <<<Fax>>>

Sample

Affidavit or Sworn Declaration regarding O. Reg 543/06

Section (14). Sec. 17(31) & O. Reg. 543/06 Sec. 14 (1) & (2)

**Corporation of the Municipality Of <<<Municipality>>>
Official Plan Amendment No. <<<OPA Number>>>
Affidavit or Sworn Declaration as required by
Ontario Regulation 543/06, Section 7(5) And (6) as amended**

I, <<<Clerk>>>, Clerk of the Municipality of <<<Municipality>>> hereby certify that:

- The requirements for giving notice and holding public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public set out in the official plan have been complied with,
- Any requirements for giving notice of adoption have been complied with,
- The following persons or public bodies made oral submissions at the public meeting held on <<<Public Meeting Date>>>:

<<<List the names and affiliation, if any, of everyone who made oral submissions>>>

- The information and material provided as required by Section 17(15)(a) and (b) of the Planning Act is accurate.

Further, I solemnly declare that all of the statements contained in this declaration are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act."

Declared before me at:

Region/County/District _____

In the Municipality of _____

Signature

Dated this <<<Day>>> of <<<Month>>>, <<<Year>>>.

Please print name of Clerk

Commissioner of Oaths

SAMPLE

Statement regarding consistency with PPS and status with respect to any applicable Provincial plans.

Sec. 17(31) & O. Reg. 543/06 Sec. 7 (7)

**Corporation of the Municipality Of <<<Municipality>>>
Statement under Section 17(31)
of the Planning Act, R.S.O. 1990 as amended
Official Plan Amendment No. <<<OPA number>>>**

I, <<<Clerk>>>, Clerk of the Municipality of <<<Municipality>>> hereby submit that, in my opinion and to the best of my knowledge, the decision of the Council of the Corporation of the Municipality of <<< Municipality >>> on Municipality of <<< Municipality >>> Official Plan Amendment No. <<<OPA Number>>>:

1. Is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and
2. Conforms to or does not conflict with any applicable provincial plan or plans.

Dated this <<<Day>>> of <<<Month>>>, <<<Year>>>.

<<<Clerk>>>

<<<Municipal Address>>>

Sample

Notice Limiting Appeal Period for a Non-Decision Appeal Sec. 17(41.1)



**The Planning Act
Notice Limited Appeal Period
for a Non-Decision Appeal
on an Official Plan Amendment
by the Corporation of the County of Huron**

Take Notice that the County of Huron has received a notice of appeal to the Ontario Land Tribunal under Section 17(40) of the Planning Act, R.S.O. 1990, as amended, to Official Plan Amendment No. <<<OPA NUMBER>>> to the <<<MUNICIPALITY>>> Official Plan.

Further, the County of Huron has made a decision to limit the appeal period for further appeals under Section 17(40) of the Planning Act with respect to this Official Plan Amendment. As a result, any person or public body wishing to file an appeal under Section 17(40) of the Act with respect to Official Plan Amendment No. <<<OPA NUMBER>>> to the <<<MUNICIPALITY>>> Official Plan must do so by filing the appeal with the Clerk of the County of Huron not later than 4:30 p.m. on <<<DATE>>>.

The appeal should be sent to the attention of the County Clerk, at the address shown below, and it must:

1. Set out the specific part of the proposed official plan amendment to which the appeal applies, and
2. Set out the reasons for the appeal.

Who can file an Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Additional Information

Additional information about the proposed official plan amendment is available for public inspection between 8:30 a.m. and 4:30 p.m. at the County of Huron Planning and

Development Department, 57 Napier St., Goderich, ON, N7A 1W2 or from the local Municipal Clerk's office.

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<insert purpose and effect here>>>

<<<if known that the subject lands are the subject of another planning application, a statement to that effect and the file number>>>

SAMPLE

Notice of Decision Sec. 17(35) & O. Reg. 543/06 Sec. 8



**The Planning Act
Notice of Decision
of an Official Plan Amendment
for the Town/Municipality of
by the Corporation of the
County of Huron**

Take Notice that the County of Huron made a decision to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> Official Plan Amendment No. <<<OPA Number>>> to the <<<Municipality>>> Official Plan on <<<Date>>> under Section 17 of the Planning Act. <<<if a refusal provide an explanation for the refusal>>>

When and How to file an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the Clerk of the County of Huron not later than 4:30 p.m. on <<<Date>>>.

The appeal should be sent to the attention of the County Clerk, at the address shown below, and it must:

1. Set out the specific part of the proposed official plan amendment to which the appeal applies, and
2. Set out the reasons for the appeal.

Be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable by Certified Cheque or Money Order in Canadian funds to the Minister of Finance and accompanied by Appellant Form (A1) which is available on the Ontario Land Tribunal website: <https://olt.gov.on.ca/appeals-process/forms/>

An Appellant may request a reduction of the filing fee to \$400, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. Please use the request for fee reduction form.

Who can file an Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Huron is final if a notice of appeal is not received on or before the last date for appeal noted above.

Additional Information

Additional information about the application and the decision is available for public inspection between 8:30 a.m. and 4:30 p.m. at the County of Huron Planning and Development Department, 57 Napier St., Goderich ON N7A 1W2 or from the local Municipal Clerk's office.

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<Insert Purpose and Effect Here>>>

<<<provide a brief explanation of the effect, if any, that written submissions made to the County before its decision relating to the official plan amendment had on the decision>>>

<<<if known that the subject lands are the subject of another planning application, a statement to that effect and the file number>>>

Sample

Status of Decision (No Appeals or Appeals Withdrawn)



**The Planning Act
Status of Decision
of an Official Plan Amendment
for the Town/Municipality of
by the Corporation of The
County of Huron**

This Notice is further to the Notice of Decision given on <<<Date of Notice of Decision>>> under subsection 17(34) and (35) of the Planning Act with respect to Official Plan Amendment No. <<<OPA Number>>> to the <<<Municipality>>> Official Plan. The decision of the County of Huron was to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> this Official Plan Amendment.

This Notice provides the status of the decision on this Official Plan Amendment pursuant to subsections 17(36) and (38) of the Planning Act which pertain to appeals, when decisions become final, and when approvals come into effect.

Please be advised that the decision to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> Official Plan Amendment No. <<<OPA NUMBER>>> to the <<<MUNICIPALITY>>> Official Plan is now final as of <<<insert date appeal period ended or last appeal withdrawn, as appropriate>>>.

Additional Information

Should you have any questions regarding this notice, please feel free to contact the County of Huron Planning and Development Department, 57 Napier St., 2ND floor Goderich ON N7A 1W2 (519-524-8394 x3).

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and effect

<<<insert purpose and effect here>>>

Official Plan Amendment (Local Municipalities)

(Sections 17 and 22 of the Planning Act RSO, 1990 as amended and Ontario Regulation 543/06, as amended)

Introduction

Sections 17 and 22 of the Planning Act set out the process and requirements for Official Plan amendments. Huron County Council is the approval authority for amendments to local Official Plans. If the amendment is “undisputed” (i.e. conforms with the local and County official plans, consistent with the PPS, and there have been no unresolved objections/concerns) the application can be approved by the County’s Director of Planning & Development or in the Director’s absence, the Manager of Planning or a Senior Planner. Amendments not meeting the requirements to be considered “undisputed” are decided by County Council and are referred to as “disputed”.

Process

Pre-submission Consultation

The municipality must permit applicants to consult with the municipality before submitting an official plan amendment application. *[Sec. 22(3.1) (a)]*

- Where a municipality, by by-law, requires pre-submission consultation by the applicant this must occur prior to the submission of the application for OP amendment. *[Sec. 22(3.1) (b)]*

Complete Application [Section 22]

- Within 30 days of receiving the application and required fee for an official plan amendment, the municipality must notify the applicant whether the application is complete or not (i.e., whether both the prescribed information and other information required by the municipality has been received). See the **list of Prescribed information and material** under Sec. 22(4) *[Sec. 22(6.1), O. Reg. 543/06 Sec.10 & Schedule 1]*
- If the application is not complete, the municipality may refuse to accept the application and whatever materials or fees submitted as part of the incomplete application may be returned to the applicant. *[Sec. 22(6)]*
- Within 30 days after the municipality notifies the applicant that the application is incomplete or if the municipality fails to notify the applicant of the application’s completeness within 30 days of receiving the application, the applicant may appeal to the OLT to have the Board determine the application’s completeness. *[Sec. 22(6.2) & (6.3)]*
- Within 15 days of the application being determined to be complete and notification sent, the municipality must:
 - Give the prescribed persons and public bodies notice of the request for amendment accompanied by the prescribed information; and

- Make the prescribed information and material and other information required by the municipality available to the public. [Sec. 22(6.4), O. Reg. 543/06 Sec.10 & Schedule 1] See the **list of Prescribed information and material** under Sec. 22(4)

The notification to the prescribed persons and public bodies can be combined with the notice of public meeting.

Public Meeting not required for a Refusal [Sec. 22(3)]

Council is not required to hold a public meeting if they refuse to adopt an amendment requested by a person or public body. However, practice across Huron County has been to always hold a public meeting before Council makes a decision on the requested amendment.

Notice of Public Meeting [Sec. 17 (15)(d) and (19); O. Reg. 543/06 Sec. 3]

Notice of the public meeting for an official plan amendment is given at least 20 days prior to the meeting by selecting 1, 2, 4, 5, 6; or 3, 4, 5, 6 below.

- 1) personal service or ordinary mail to every owner of land within 120 meters of the subject property. A condominium corporation may be notified instead of all assessed owners within the development. The owner of any land containing 7 or more residential units is to be requested to post the notice in a location that is visible to all the residents;
- 2) by posting a sign on each separately assessed property to which the official plan amendment would apply, or if this is impractical, at a nearby location chosen by the clerk;
- 3) publication in the newspaper;
- 4) by personal service, ordinary mail, email or fax to persons who have requested in writing to be notified;
- 5) by personal service, ordinary mail, email or fax to the required agencies. A copy of the application must also be sent to the required agencies. [O. Reg. 543/06 Sec. 3] See **sample notice of public meeting**.
- 6) by personal service, ordinary mail, email or fax to the required individuals or agencies as prescribed on circulation list;
- 7) at the public meeting, council must ensure that information is made available to the public regarding who is entitled to appeal. [Sec. 17(19.5)]

Council Decision [Section 17 (22) & (23), 22(6.6)]

Following the public meeting Council may make a decision to adopt or refuse the requested amendment:

- If Council refuses the requested amendment then written notice of the refusal must be sent not later than 15 days after the day of the refusal to:
 - The applicant,
 - Every person or public body that filed a request to be notified of a refusal,
 - The County of Huron (as the approval authority), and
 - Any prescribed person or public body. [Sec. 22(6.6), O. Reg. 543/06 Sec. 12]
See **sample notice of a Municipality's refusal to adopt an OPA.**
- If Council wishes to adopt the amendment, they do so by by-law and submit it to the County of Huron for approval.
 - Within 15 days of passing of the by-law to adopt the amendment, the Local Municipality must circulate a notice of adoption to the County, required agencies and anyone who requested notice of adoption.

Record of the Clerk [Sec. 17(31); O. Reg. 543/06 Sec. 7]

A record compiled by the clerk of the municipality must be forwarded to the County within 15 days after the day the plan was adopted and must include:

- A certified copy of the by-law adopting the proposed official plan amendment;
- A certified copy of the proposed official plan amendment;
- A certified copy of the Notice of Adoption or Notice of Rejection which was circulated within the required 15 days of passing of the by-law;
- The original or a copy of all written submissions and comments and the dates they were received;
- An affidavit or sworn declaration by an employee of the municipality containing:
 - i. A certificate that the requirements for giving notice and holding a public meeting and open house have been complied with;
 - ii. A certificate that the requirements for giving notice of adoption have been complied with; and
 - iii. A list of all persons and public bodies that made oral submissions at the public meeting. [O. Reg. 543/06 S. 14(1)] See **sample affidavit/sworn declaration.**
- An affidavit or sworn declaration by the clerk or, if delegated by resolution of the municipality, another employee of the municipality certifying that the information and material provided as required by Section 17(15)(a) and (b) is accurate; [O. Reg. 543/06 S. 14(2)] See **sample affidavit/sworn declaration.**

- The prescribed information and material required by Section 17(15)(a) and (b); **See list of Prescribed information and material under Sec. 17(15)(a) &(b).**
- A statement from an employee of the municipality whether the decision of council is consistent with the Provincial Policy Statement and conforms to or does not conflict with any applicable provincial plan; SS sample statement.
- A copy of the minutes from the public meeting(s);
- A copy of the planning report(s) considered by council; and
- The original or a certified copy of the supporting information and material provided under Sec. 17(15)(a) & (b) and any other information required to be provided by the Huron County Official Plan.

County Approval [Section 17(34), 17.1]

The adopted official plan amendment will be considered by the County of Huron as follows:

- For undisputed amendments: the County's Director of Planning & Development or in the Director's absence, the Manager of Planning or a Senior Planner, will approve the amendment.
- For disputed amendments: the County's Committee of the Whole Day 1 Committee will recommend to County Council that all or a part(s) of the amendment be approved, modified and approved, or refused. County Council will make the final decision for disputed amendments.

If the County fails to give notice of decision on the plan amendment within 180 days of receiving the adopted amendment (or up to 90 days longer than that if an extension for the time of appeal has been agreed upon), any person or public body may appeal to the Municipal Board regarding all or any part of the plan for which a notice of decision has not been issued. At any time after receiving a notice of appeal for a non-decision, the County may give 20 days' notice that no further appeals for a non-decision are permitted. Sec. 17(40), (40.1) & (41.1)

Notice of County Decision [Section 17(35)]

The County must circulate a notice of decision. The County will, not later than 15 days after the date of its decision, ensure that written notice is given of its decision to:

- The council that adopted the amendment (i.e. the local municipality);
- Each person or public body that made a written request to be notified of the decision; and any other person or public body prescribed in the circulation list. See **sample Notice of Decision.**

The appeal period is 20 days from the day after the notice of decision is mailed and if there are no appeals, the County will mail a copy of the approved official plan amendment along with a letter advising of the status of the decision to the applicant,

anyone who requested notice, prescribed agencies and the local municipality advising that the decision is in full force and effect. See **sample Status of Decision (No Appeals or Appeals Withdrawn)**.

Appeal to OLT [Section 17(24)-(30), (36)-(44)]

If the amendment is appealed, the Clerk must provide all required material, including the notice of appeal, accompanying fee, and record, to the Ontario Land Tribunal within 15 days of the last day for filing an appeal. If an appeal is received, the council may decide to use mediation or dispute resolution techniques. If council decides to begin this process, then a notice of its intention must be sent to all Appellants and an invitation sent to participate in the dispute resolution process to:

- As many of the Appellants as council deems appropriate;
- The applicant, if the applicant is not an Appellant; and
- Any other persons or bodies that council considers appropriate

Participation in the dispute resolution process by those who receive invitations is voluntary. If council decides to begin the dispute resolution process, the 15 day period for the Clerk to provide all required materials (notice of appeal and accompanying fee, and record) to Ontario Land Tribunal is extended to 75 days.

Consolidation

- The official plan is consolidated by the County to reflect the amendment and a copy of the consolidated official plan is provided to the local municipality.

Lodging of Plan [Sec. 20]

- A certified copy of the official plan amendment will be kept in the office of the clerk of the municipality.

Official Plan Amendment (Local Municipalities)
Sample Notices & Additional Materials

Prescribed Information and Material to be provided for an OPA under Sec. 22(4)

O. Reg 543/06 Sec. 10 & Schedule 1

- The name, address, telephone number and, if applicable, the e-mail address of the applicant.
- The name of the municipality that is being requested to initiate the amendment to its official plan.
- The date of the request to the municipality.
- The name of the official plan requested to be amended.
- A description of the subject land, including such information as the municipality, or geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
- If known, the approximate area of the subject land, in metric units.
- Whether the requested amendment changes, replaces or deletes a policy in the official plan.
- If the answer is yes, the policy to be changed, replaced or deleted.
- The purpose of the requested amendment.
- The current designation of the subject land in the official plan and the land uses that the designation authorizes.
- Whether the requested amendment changes or replaces a designation in the official plan.
- If the requested amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.
- The land uses that the requested official plan amendment would authorize.
- Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.
- Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
- If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
 - A servicing options report, and
 - A hydrogeological report.

- Whether the subject land or land within 120 metres of it is the subject of an application by the applicant under the Act for,
 - A minor variance or a consent,
 - Amendment to an official plan, a zoning by-law or a Minister's zoning order, or
 - Approval of a plan of subdivision or a site plan.
- If the answer is yes, the following information about each application:
 - Its file number,
 - The name of the approval authority considering it,
 - The land it affects,
 - Its purpose,
 - Its status, and
 - Its effect on the proposed amendment.
- If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, the text of the requested amendment.
- If the requested amendment changes or replaces a schedule in the official plan, the requested schedule and the text that accompanies it.
- If the requested amendment alters all or any part of the boundary of an area of settlement in a municipality or establishes a new area of settlement in a municipality, the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.
- If the requested amendment removes the subject land from an area of employment, the current official plan policies, if any, dealing with the removal of land from an area of employment.
- Whether the requested amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.
- Whether the subject land is within an area of land designated under any provincial plan or plans.
 - If the answer is yes whether the requested amendment conforms to or does not conflict with the provincial plan or plans.
- A proposed strategy for consulting with the public with respect to the request.
 - An affidavit or sworn declaration by the applicant certifying that the information required under this Schedule and provided by the applicant is accurate.

O. Reg. 543/06 Official Plans and Plan Amendments

Prescribed information and material for Review (s. 17 (15) of Act)

For the purposes of clauses 17 (15) (a) and (b) of the Act, the council shall ensure that the appropriate approval authority and the prescribed public bodies are given an opportunity to review the following information and material in the course of the preparation of a plan:

- A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
- If known, the approximate area of the subject land, in metric units.
- Whether the proposed amendment changes, replaces or deletes a policy in the official plan.
- If the answer to paragraph 3 is yes, the policy to be changed, replaced or deleted.
- Whether the proposed amendment adds a policy to the official plan.
- The purpose of the proposed official plan amendment.
- 6.1 In the case of a proposed amendment to a lower-tier municipality's official plan, an explanation of how the proposed amendment conforms with the upper-tier municipality's official plan.
- The current designation of the subject land in the official plan and the land uses that the designation authorizes.
- Whether the proposed amendment changes or replaces a designation in the official plan.
- If the proposed amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.
- The land uses that the proposed amendment would authorize.
- Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.
- Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
- If the proposed amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
 - a servicing options report, and
 - a hydrogeological report.

- Whether the subject land or land within 120 metres of it is the subject of an application under the Act for,
 - a minor variance or a consent,
 - an amendment to an official plan, a zoning by-law or a Minister’s zoning order, or
 - approval of a plan of subdivision or a site plan.
- If the answer to paragraph 14 is yes, the following information about each application:
 - its file number,
 - the name of the approval authority considering it,
 - the land it affects,
 - its purpose,
 - its status, and
 - its effect on the proposed amendment.
- An explanation of how the proposed amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.
- Whether the subject land is within an area of land designated under any provincial plan or plans.
- If the answer to paragraph 17 is yes, an explanation of how the proposed amendment conforms or does not conflict with the provincial plan or plans.
 - The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board. O. Reg. 543/06, s. 2; O. Reg. 68/18, s. 1.

Sample

Notice of Public Meeting. Sec. 17(15)(d), O. Reg. 543/06 Sec. 3(15)

**Public Meeting
concerning
A proposed Official Plan Amendment
Affecting the Municipality of <<<Municipality>>>**

Take Notice that the Council of the Corporation of the Municipality of <<<Municipality>>> will hold a public meeting on <<<Date & Time>>> in <<<Location>>> to consider a proposed official plan amendment under Sections 17 & 22 of the Planning Act.

If you are an owner of any land containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

Be Advised that the Council of the Corporation of the Municipality of <<<Municipality>>> considered this application to be complete <<<Date>>>.

Any Person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed official plan amendment.

If you wish to be notified of the adoption of the proposed official plan amendment, or of the refusal of a request to amend the official plan you must make a written request to <<<Municipality Name & Address>>>.

If a person or public body does not make oral submissions at a public meeting or make written submissions to <<<MUNICIPALITY>>> before the official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Huron to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting or make written submissions to <<<MUNICIPALITY>>> before the official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Additional Information relating to the proposed amendment is available for inspection during regular office hours at the Municipal Office <<<Municipality Address>>> and the County of Huron Planning and Development Department (519) 524-8394 x3.

Dated at the <<<Municipal Clerk's Name>>>

Municipality of <<<Municipality>>> <<<Municipality Address.>>>

This<<<Day>>>Day Of<<<Month>>>, <<, Year>>>

Purpose and Effect:

<<<insert description of purpose and effect>>>

<<<if known that the subject lands are the subject of another planning application a statement to that effect and the file number>>>

<<<Include a description of the subject land, a key map showing the subject land, or an explanation why no description or key map is provided>>>

Sample

Notice of Municipality's Refusal to Adopt an OPA. Sec. 22(6.6)

<<Insert Municipality's Logo>>>

**Notice of Refusal
of an Official Plan Amendment
by the
Corporation of the <<<municipality>>>**

Take Notice that Council of the <<<Municipality>>> refused Official Plan Amendment Application # <<<OPA Application Number>>> on the <<<Day>>> day of <<<MONTH>>>, <<<YEAR>>> under Section 22 of the Planning Act. .

Explanation of the Refusal

<<< provide an explanation for the refusal>>>

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

Purpose and Effect of Requested Amendment

<<<insert description of purpose and effect>>>

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the Clerk of the <<<Municipality Name>>> not later than 4:30 p.m. on <<<Date>>>.

The appeal should be sent to the attention of the Clerk, at the address shown below, and it must:

- set out the specific part of the proposed official plan amendment to which the appeal applies, and

set out the reasons for the appeal.,

Who Can File an Appeal

A person or public body that requested an amendment to the official plan of <<<Municipality>>> may appeal the refusal of the requested amendment to the Ontario Land Tribunal in respect of all or any part of the requested amendment by filing a notice of appeal with the clerk of the <<<Municipality>>>.

No person or public body shall be added as a party to the hearing of the appeal unless, before the requested official plan amendment was refused, the person or public body made oral submissions at a public meeting, if any, or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Council of the <<<Municipality>>> is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Dated at the Municipality of <<<Municipality>>> this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

<<<Clerk's Name>>>, Clerk
Corporation of the <<<Municipality>>>
<<<Address>>>
Phone:<<<Phone>>>
Fax: <<<Fax>>>

Sample

Notice of Municipality’s Adoption of Official Plan Amendment. Sec. 17(23)

<<<Insert Municipality’s Logo>>>

**Notice of the Adoption
of an Official Plan Amendment
by the
Corporation of the <<<Municipality>>>**

Take Notice that Council of the <<<Municipality>>> adopted Official Plan Amendment # <<<OPA Number>>> (By-law # <<<By-Law Number>>>) on the <<<Day>>> day of <<<Month>>>, <<<Year>>> under Sections 17 and 22 of the Planning Act. This amendment now requires the approval of the County of Huron.

Purpose and Effect

<<<insert explanation of purpose and effect>>>

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

And Take Notice that any person or public body is entitled to receive notice of the proposed decision of the County of Huron, if they submit a written request for notification to the County of Huron Planning & Development Department. The adopted Official Plan Amendment will now be submitted for approval to the County of Huron Planning and Development Department, 57 Napier Street, 2nd floor, Goderich, Ontario, N7A 1W2.

A copy of the Official Plan Amendment is available for inspection at the Municipal Office, <<<Insert Hours and Address>>>

Dated at the Municipality of <<<Municipality>>> this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

<<<Clerk’s Name>>>, Clerk
Corporation of the <<<Municipality>>>
<<<Address>>>
Phone: <<<Phone>>>
Fax: <<<Fax>>>

Sample

Affidavit or Sworn Declaration regarding O. Reg. 543/06 Section 14 (1).

Sec. 17(31) & O. Reg. 543/06 Sec. 14(1) & (2)

**Corporation of the Municipality of <<<Municipality>>>
Official Plan Amendment No. <<<OPA Number>>>
Affidavit or Sworn Declaration as required by
Ontario Regulation 543/06, Section 7(5) and (6) as amended**

I, <<<Clerk>>>, Clerk of the Municipality of <<<Municipality>>> hereby certify that:

- The requirements for giving notice and holding public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public set out in the official plan have been complied with,
- Any requirements for giving notice of adoption have been complied with,
- The following persons or public bodies made oral submissions at the public meeting held on <<<Public Meeting date>>>:
<<<list the names and affiliation, if any, of everyone who made oral submissions>>>
- The information and material provided as required by Section 17(15)(a) and (b) of the *Planning Act* is accurate.

Further, I solemnly declare that all of the statements contained in this declaration are true and complete, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the “*Canada Evidence Act*.”

Declared before me at: County of Huron, in the Municipality of _____, this <<<Day>>> of <<<Month>>>, <<<Year>>>.

“Name of Clerk”

Commissioner of Oaths

Sample

**Consistency with PPS and Status with respect to any applicable
Provincial Plans. Sec. 17(31) & O. Reg. 543/06 Sec. 7**

**Corporation of the Municipality of <<<Municipality>>>
Statement Under Section 17(31)
of the Planning Act, R.S.O. 1990 as amended
Official Plan Amendment No. <<<OPA number>>>**

I, <<<Clerk>>>, Clerk of the Municipality of <<<Municipality>>> hereby submit that, in my opinion and to the best of my knowledge, the decision of the Council of the Corporation of the Municipality of <<<Municipality>>> on Municipality of <<<Municipality>>> Official Plan Amendment No. <<<OPA number>>>:

- is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and
- conforms to or does not conflict with any applicable provincial plan or plans.

Dated this <<<Day>>> of <<<Month>>>, <<<Year>>>

<<<Clerk>>>

<<<Municipal Address>>>

Sample

Notice Limiting Appeal Period for a Non-Decision Appeal Sec. 17(41.1)



**The Planning Act
Notice Limiting Appeal Period
for a Non-Decision Appeal
on an Official Plan Amendment
by the Corporation of the County Of Huron**

Take Notice that the County of Huron has received a notice of appeal to the Ontario Land Tribunal under Section 17(40) of the Planning Act, R.S.O. 1990, as amended, to Official Plan Amendment No. <<<OPA number>>> to the <<<Municipality>>> Official Plan.

Further, the County of Huron has made a decision to limit the appeal period for further appeals under Section 17(40) of the Planning Act with respect to this Official Plan Amendment. As a result, any person or public body wishing to file an appeal under Section 17(40) of the Act with respect to Official Plan Amendment No. <<<OPA number>>> to the <<<Municipality>>> Official Plan must do so by filing the appeal with the Clerk of the County of Huron not later than 4:30 p.m. on <<<Date>>>.

The appeal should be sent to the attention of the County Clerk, at the address shown below, and it must:

1. Set out the specific part of the proposed official plan amendment to which the appeal applies, and
2. Set out the reasons for the appeal.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Additional Information

Additional information about the proposed official plan amendment is available for public inspection between 8:30 a.m. and 4:30 p.m. at the County of Huron Planning and Development Department, 57 Napier St., Goderich, ON, N7A 1W2 or from the local Municipal Clerk's office.

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<insert purpose and effect here>>>

<<<if known that the subject lands are the subject of another planning application, a statement to that effect and the file number>>>

Sample

Notice of Decision Sec. 17(35) & O. Reg. 543/06 Sec. 8



**The Planning Act
Notice of Decision
Of an Official Plan Amendment
by the Corporation of the
County Of Huron**

Take Notice that the County of Huron made a decision to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> Official Plan Amendment No. <<<OPA number>>> to the <<<Municipality>>> Official Plan on <<<Date>>> under Section 17 of the Planning Act. <<<if a refusal provide an explanation for the refusal>>>

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the Clerk of the County of Huron not later than 4:30 p.m. on <<<Date>>>.

The appeal should be sent to the attention of the County Clerk, at the address shown below, and it must:

1. Set out the specific part of the proposed official plan amendment to which the appeal applies,
2. Set out the reasons for the appeal.

Be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable by Certified Cheque or Money Order in Canadian funds to the Minister of Finance and accompanied by Appellant Form (A1) which is available on the Ontario Land Tribunal website : <https://olt.gov.on.ca/appeals-process/forms/>

An Appellant may request a reduction of the filing fee to \$400, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. Please use the Request for Fee Reduction Form.

Who can File an Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Huron is final if a notice of appeal is not received on or before the last date for appeal noted above.

Additional Information

Additional information about the application and the decision is available for public inspection between 8:30 a.m. and 4:30 p.m. at the County of Huron Planning and Development Department, 57 Napier St., Goderich ON N7A 1W2 or from the local Municipal Clerk's office.

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<Insert Purpose and Effect Here>>>

<<<provide a brief explanation of the effect, if any, that written submissions made to the County before its decision relating to the official plan amendment had on the decision>>>
<<<if known that the subject lands are the subject of another planning application, a statement to that effect and the file number>>>

Effect of Written and Oral Submissions

<<<provide a brief explanation of the effect, if any, that written submissions made to the County before its decision relating to the official plan amendment had on the decision>>>

Sample

Status of Decision (No Appeals or Appeals Withdrawn)



**The Planning Act
Status of a Decision
on an Official Plan Amendment
by the Corporation of the
County Of Huron**

This Notice is further to the Notice of Decision given on <<<Date of Notice of Decision>>> under subsection 17(34) and (35) of the Planning Act with respect to Official Plan Amendment No. <<<OPA Number>>> to the <<<Municipality>>> Official Plan. The decision of the County of Huron was to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> this Official Plan Amendment.

This Notice provides the status of the decision on this Official Plan Amendment pursuant to subsections 17(36) and (38) of the Planning Act which pertain to appeals, when decisions become final, and when approvals come into effect.

Please be advised that the decision to <<<insert “approve”, “modify and approve” or “refuse”, as appropriate>>> Official Plan Amendment No. <<<OPA NUMBER>>> to the <<<Municipality>>> Official Plan is now final as of <<<insert date appeal period ended or last appeal withdrawn, as appropriate>>>.

Additional Information

Should you have any questions regarding this notice, please feel free to contact the County of Huron Planning and Development Department, 57 Napier St., 2nd floor, Goderich ON N7A 1W2 (519-524-8394 x3).

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<insert purpose and effect here>>>

Official Plan Amendment (County)

(Sections 17 and 22 of the Planning Act RSO, 1990 as amended and Ontario Regulations 525/97 & 543/06, as amended)

Introduction

Sections 17 and 22 of the Planning Act set out the process and requirements for Official Plan amendments. Amendments to the Huron County Official Plan have been exempt from approval since July 1, 1999 [O. Reg. 525/97]. The Minister of Municipal Affairs remains the approval authority for amendments as a result of a 5 Year Review of the County Official Plan.

Process

Pre-submission Consultation

The County must permit applicants to consult with the County before submitting an official plan amendment application. [Sec. 22(3.1) (a)]

- Where the County, by by-law, requires pre-submission consultation by the applicant this must occur prior to the submission of the application for OP amendment. [Sec. 22(3.1) (b)]

Complete Application [Section 22]

- Within 30 days of receiving the application and required fee for an official plan amendment, the County must notify the applicant whether the application is complete or not (i.e. whether both the prescribed information and other information required by the County has been received). See the **list of Prescribed information and material** to be provided for an OPA under Sec. 22(4) [Sec. 22(6.1), O. Reg. 543/06 Sec.10 & Schedule 1]
- If the application is not complete, the County may refuse to accept the application and whatever materials or fees submitted as part of the incomplete application may be returned to the applicant. [Sec. 22(6)]
- Within 30 days after the County notifies the applicant that the application is incomplete or if the County fails to notify the applicant of the application's completeness within 30 days of receiving the application, the applicant may appeal to the OLT to have the Board determine the application's completeness. [Sec. 22(6.2) & (6.3)]
- Within 15 days of the application being determined to be complete and notification sent, the County must:
 - Give the prescribed persons and public bodies, including the Minister of Municipal Affairs & Housing, notice of the request for amendment accompanied by the prescribed information; and

- Make the prescribed information and material and other information required by the County available to the public. [Sec. 22(6.4), O. Reg. 525/97 Sec. 1(1) and 543/06 Sec.10 & Schedule 1] See the **list of Prescribed information and material** under Sec. 22(4)

The notification to the prescribed persons and public bodies can be combined with the notice of public meeting.

Public Meeting not required for a Refusal [Sec. 22(3)]

Council is not required to hold a public meeting if they refuse to adopt an amendment requested by a person or public body. However, practice across Huron County has been to always hold a public meeting before Council makes a decision on the requested amendment.

Notice of Public Meeting [Sec. 17 (15)(d) and (19); O. Reg. 543/06 Sec. 3]

- Notice of the public meeting for an official plan amendment is given at least 20 days prior to the meeting by selecting 1, 2, 4, 5, 6; or 3, 4, 5, 6.
 - 1) personal service or ordinary mail to every owner of land within 120 meters of the subject property. A condominium corporation may be notified instead of all assessed owners within the development. The owner of any land containing 7 or more residential units is to be requested to post the notice in a location that is visible to all the residents; and
 - 2) by posting a sign on each separately assessed property to which the official plan amendment would apply, or if this is impractical, at a nearby location chosen by the clerk;
 - 3) publication in the newspaper;
 - 4) by personal service, ordinary mail, email or fax to persons who have requested in writing to be notified;
 - 5) by personal service, ordinary mail, email or fax to the required agencies or individuals prescribed in the circulation list. A copy of the application must also be sent to the required agencies. [O. Reg. 543/06 Sec. 3 (15)] See **sample Notice of Public Meeting**.
 - 6) at the public meeting, council must ensure that information is made available to the public regarding who is entitled to appeal. [Sec. 17(19.5)]

Council Decision [Section 17 (22) & (23), 22(6.6)]

Following the public meeting Council may make a decision to adopt or refuse the requested amendment:

- If Council refuses the requested amendment then written notice of the refusal must be sent not later than 15 days after the day of the refusal to:
 - the applicant,
 - every person or public body that filed a request to be notified of a refusal, and
 - any prescribed person or public body. [Sec. 22(6.6), O. Reg. 543/06 Sec. 12] See **sample Notice of the County's Refusal to Adopt an OPA.**

- If Council wishes to adopt the amendment, they do so by by-law and within 15 days of passing the by-law to adopt the amendment, the County must circulate a notice of adoption to:
 - the Minister of Municipal Affairs & Housing, [O. Reg. 525/97 Sec. 1(3)]
 - anyone who requested notice of adoption, and
 - any other prescribed person or public body as noted in the circulation list. See **sample notice of adoption.**

Section 17(28) Sworn Declaration [Sec. 17(28); O. Reg. 525/97 Sec. 1(3)]

- A sworn declaration by a County employee that notice was given as required by Section 17(23) or (35) or that no notice of appeal was filed under Section 17(24) or (36) must be forwarded to the Minister of Municipal Affairs within 15 days of it being sworn. See **sample Sworn Declaration** under Section 17(28).

No Appeals [Section 17(35)]

- The appeal period is 20 days from the day after the notice of adoption is given and if there are no appeals, the County will mail a copy of the approved official plan amendment with a covering letter to the applicant, anyone requesting notice, prescribed agencies and the local municipality advising that the amendment is in full force and effect beginning the day after the last day for appeals.

- The appeal period is 20 days from the day after the notice of decision is mailed and if there are no appeals, the County will mail a copy of the approved official plan amendment along with a letter advising of the status of the decision to the applicant, anyone who requested notice, prescribed agencies and the local municipality advising of the date the decision is in full force and effect. See sample **Status of Decision (No Appeals or Appeals Withdrawn).**

Appeal to OLT [Section 17(24)-(30), (36)-(44)]

- If the amendment is appealed, the Clerk must provide all required material, including the notice of appeal and record, to the Ontario Land Tribunal within 15 days of the last day for filing an appeal. If an appeal is received, the council may decide to use mediation or dispute resolution techniques. If council decides to begin this process, then a notice of its intention must be sent to all Appellants and an invitation sent to participate in the dispute resolution process to:
 - As many of the Appellants as council deems appropriate;

- The applicant, if the applicant is not an Appellant; and
- Any other persons or bodies that council considers appropriate

Participation in the dispute resolution process by those who receive invitations is voluntary. If council decides to begin the dispute resolution process, the 15 day period for the Clerk to provide all required materials (notice of appeal, and record) to Ontario Land Tribunal is extended to 75 days.

Consolidation

- The official plan is consolidated by the County to reflect the amendment.

Lodging of Plan [Sec. 20]

- A certified copy of the official plan amendment will be kept in the office of the County Clerk.

Official Plan Amendment (County)
Sample Notices & Additional Materials

Prescribed information and material to be provided for an OPA under Sec. 22(4)

O. Reg 543/06 Sec. 10 & Schedule 1

- The name, address, telephone number and, if applicable, the e-mail address of the applicant.
- The name of the municipality that is being requested to initiate the amendment to its official plan.
- The date of the request to the municipality.
- The name of the official plan requested to be amended.
- A description of the subject land, including such information as the municipality, or geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
- If known, the approximate area of the subject land, in metric units.
- Whether the requested amendment changes, replaces or deletes a policy in the official plan.
 - If the answer is yes, the policy to be changed, replaced or deleted.
- The purpose of the requested amendment.
- The current designation of the subject land in the official plan and the land uses that the designation authorizes.
- Whether the requested amendment changes or replaces a designation in the official plan.
- If the requested amendment changes or replaces a designation in the official plan, the designation to be changed or replaced.
- The land uses that the requested official plan amendment would authorize.
- Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.
- Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
- If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
 - A servicing options report, and
 - A hydrogeological report.

- Whether the subject land or land within 120 metres of it is the subject of an application by the applicant under the Act for,
 - A minor variance or a consent,
 - An amendment to an official plan, a zoning by-law or a Minister's zoning order, or
 - Approval of a plan of subdivision or a site plan.
- If the answer is yes, the following information about each application:
 - Its file number,
 - The name of the approval authority considering it,
 - The land it affects,
 - Its purpose,
 - Its status, and
 - Its effect on the proposed amendment.
- If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, the text of the requested amendment.
- If the requested amendment changes or replaces a schedule in the official plan, the requested schedule and the text that accompanies it.
- If the requested amendment alters all or any part of the boundary of an area of settlement in a municipality or establishes a new area of settlement in a municipality, the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.
- If the requested amendment removes the subject land from an area of employment, the current official plan policies, if any, dealing with the removal of land from an area of employment.
- Whether the requested amendment is consistent with the policy statements issued under subsection 3 (1) of the Act.
- Whether the subject land is within an area of land designated under any provincial plan or plans.
 - If the answer is yes, whether the requested amendment conforms to or does not conflict with the provincial plan or plans.
- A proposed strategy for consulting with the public with respect to the request.
- An affidavit or sworn declaration by the applicant certifying that the information required under this Schedule and provided by the applicant is accurate.

Sample

Notice of Public Meeting. Sec. 17(15)(d), O. Reg. 543/06 Sec. 3(15)

**Public Meeting
concerning
a proposed Official Plan Amendment
affecting the County of Huron**

Take Notice that the Council of the Corporation of the County of Huron will hold a public meeting on <<<Date & Time>>> in <<<Location>>> to consider a proposed official plan amendment under Sections 17 & 22 of the Planning Act.

If you are an owner of any land containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

Be Advised that the Council of the Corporation of the County of Huron considered this application to be complete on <<<Date>>>.

Any person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed official plan amendment.

If you wish to be notified of the adoption of the proposed official plan amendment, or of the refusal of a request to amend the official plan you must make a written request to Susan Cronin, County Clerk, County of Huron, 1 Court House Square, Goderich, Ontario, N7A 1M2.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Huron before the official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Huron to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Huron before the official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Additional information relating to the proposed amendment is available for inspection during regular office hours at the County of Huron Planning and Development Department, 57 Napier Street, 2nd floor, Goderich, Ontario, N7A 1M2, (519) 524-8394 x3.

Dated at the <<<Municipal Clerk's Name>>>

Municipality of <<<Municipality>>> <<<Municipality Address.>>>

This<<<Day>>>day of<<<Month>>>, <<, Year>>>

Purpose and Effect:

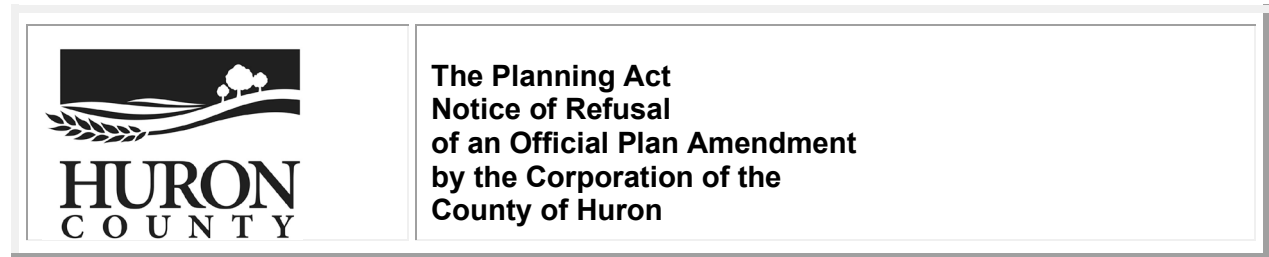
<<<insert description of purpose and effect>>>

<<<if known that the subject lands are the subject of another planning application a statement to that effect and the file number>>>

<<<Include a description of the subject land, a key map showing the subject land, or an explanation why no description or key map is provided>>>

Sample

Notice of County's Refusal to Adopt an OPA. Sec. 22(6.6)



Take notice that Council of the Corporation of the County of Huron refused Official Plan Amendment Application # <<<OPA Application Number>> on the <<<Day>> day of <<<Month>>, <<<Year>> under Section 22 of the Planning Act.

Explanation of the Refusal

<<< provide an explanation for the refusal>>>
<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

Purpose and Effect of Requested Amendment

<<<insert description of purpose and effect>>>

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the Clerk of the County of Huron not later than 4:30 p.m. on <<<Date>>>.

The appeal should be sent to the attention of the Clerk, at the address shown below, and it must:

- set out the specific part of the proposed official plan amendment to which the appeal applies,
- set out the reasons for the appeal.,

Who can File an Appeal

A person or public body that requested an amendment to the official plan of the County of Huron may appeal the refusal of the requested amendment to the Ontario Land Tribunal in respect of all or any part of the requested amendment by filing a notice of appeal with the clerk of the County of Huron.

No person or public body shall be added as a party to the hearing of the appeal unless, before the requested official plan amendment was refused, the person or public body made oral submissions at a public meeting, if any, or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Council of the County of Huron is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Dated at the County of Huron this <<<day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
Corporation of the County of Huron
1 Court House Square
Goderich, Ontario N7A 1M2
Phone: 519-524-8394
Fax: 519-524-2044

Sample

Notice of County's Adoption of Official Plan Amendment.

Sec. 17(23), O. Reg. 543/06 Sec. 4



Take Notice that Council of the County of Huron adopted Official Plan Amendment # <<<OPA Number>>> (By-law # <<<By-Law Number>>>) on the <<<day>>> day of <<<Month>>>, <<<Year>>> under Sections 17 and 22 of the Planning Act.

Purpose and Effect

<<<insert explanation of purpose and effect>>>

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the Clerk of the County of Huron not later than 4:30 p.m. on <<<DATE>>>.

The appeal should be sent to the attention of the Clerk, at the address shown below, and it must:

- set out the specific part of the proposed official plan amendment to which the appeal applies,
- set out the reasons for the appeal.,

Be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable by certified cheque or money order in Canadian funds to the Minister of Finance and accompanied by Appellant Form (A1) which is available on the Ontario Land Tribunal website : <https://olt.gov.on.ca/appeals-process/forms/>

An Appellant may request a reduction of the filing fee to \$400, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. Please use the Request for Fee Reduction Form.

Who can File an Appeal

Only individuals, corporations or public bodies may appeal a decision of the County to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The proposed Official Plan Amendment is exempt from approval by the Minister of Municipal Affairs and Housing. The decision of the Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

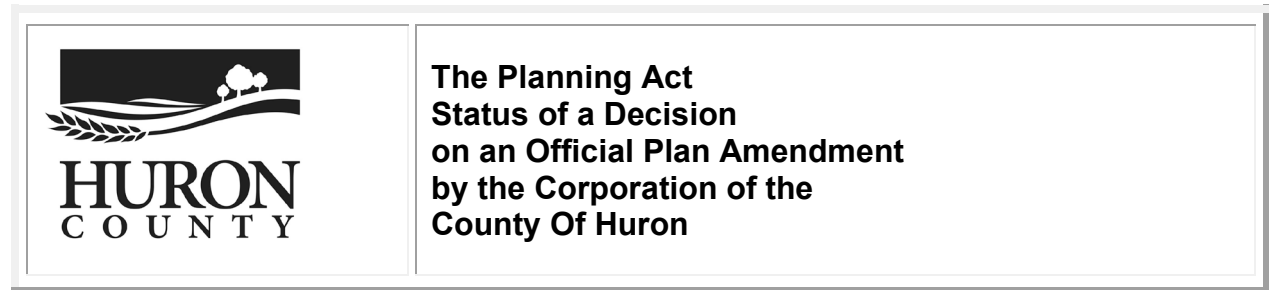
A copy of the Official Plan Amendment is available for inspection during regular office hours at the County of Huron Planning and Development Department, 57 Napier Street, 2nd Floor, Goderich, Ontario, N7A 1M2, (519) 524-8394 x3.

Dated at the County of Huron this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
Corporation of the County of Huron
1 Court House Square
Goderich, Ontario N7A 1M2
Phone: 519-524-8394
Fax: 519-524-2044

Sample

Status of Decision (No Appeals or Appeals Withdrawn)



This Notice is further to the Notice of Decision given on <<<Date of Notice of Decision>>> under subsection 17(34) and (35) of the Planning Act with respect to Official Plan Amendment No. <<<OPA Number>>> to the <<<Municipality>>> Official Plan. The decision of the County of Huron was to <<<Insert "Approve", "Modify and Approve" or "Refuse", s Appropriate>>> this Official Plan Amendment.

This Notice provides the status of the decision on this Official Plan Amendment pursuant to subsections 17(36) and (38) of the Planning Act which pertain to appeals, when decisions become final, and when approvals come into effect.

Please be advised that the decision to <<<Insert "Approve", "Modify and Approve" or "refuse", as appropriate>>> Official Plan Amendment No. <<<OPA NUMBER>>> to the <<<Municipality>>> Official Plan is now final as of <<<insert date appeal period ended or last appeal withdrawn, as appropriate>>>.

Additional Information

Should you have any questions regarding this notice, please feel free to contact the County of Huron Planning and Development Department, 57 Napier St., 2nd floor, Goderich ON N7A 1W2 (519-524-8394 x3).

Dated at the Town of Goderich this <<<Day>>> day of <<<Month>>>, <<<Year>>>.

Susan Cronin, County Clerk
1 Court House Square
Goderich ON N7A 1M2
519-524-8394

Purpose and Effect

<<<insert purpose and effect here>>>

Sample

Affidavit or Sworn Declaration regarding O. Reg. 543/06 Section 14 (1).

Sec. 17(31) & O. Reg. 543/06 Sec. 14(1) & (2)

**Corporation of the Municipality of <<<Municipality>>>
Official Plan Amendment No. <<<OPA number>>>
Affidavit or Sworn Declaration as required by
Ontario Regulation 543/06, Section 7(5) and (6) as amended**

I, <<<Clerk>>>, Clerk of the Municipality of <<<Municipality>>> hereby certify that:

- The requirements for giving notice and holding public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public set out in the official plan have been complied with,
- Any requirements for giving notice of adoption have been complied with,
- The following persons or public bodies made oral submissions at the public meeting held on <<<Public Meeting Date>>>:
 <<<list the names and affiliation, if any, of everyone who made oral Submissions>>>
- The information and material provided as required by Section 17(15)(a) and (b) of the *Planning Act* is accurate.

Further, I solemnly declare that all of the statements contained in this declaration are true and complete, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the “*Canada Evidence Act*.”

Declared before me at: County of Huron, in the Municipality of _____, this <<<Day>>> of <<<Month>>>, <<<Year>>>.

“Name of Clerk”

Commissioner of Oaths

Zoning By-law Amendments

(Section 34 of the Planning Act, RSO 1990 as amended and Ontario Regulation 545/06 as amended)

Introduction

Section 34 of the Planning Act sets out the process and requirements for Zoning By-law Amendments. The local municipality is the approval authority for Zoning By-law Amendments.

Process

Complete Application [Section 34 (10)]

- A pre-consultation meeting has occurred.
- Application form, fee, and supporting material(s) submitted to the local Municipal Office.
- Council (or delegated staff) determine if application is complete or not and notifies applicant within 30 days of receiving application form and fee. If complete, application assigned a file number and processing commences.
- The municipality must notify the required agencies and public that a complete application has been received within 15 days of notifying the applicant that the application is complete. This notification can be combined with the notice of public meeting.

Note: For a new Zoning By-law that repeals and replaces the old Zoning By-law under Section 26(9), no person shall make an application to amend the Zoning By-law for 2 years after it comes into effect, unless the council of the municipality that passed the new Zoning By-law resolves that applications to amend the new Zoning By-law are permitted to be submitted. The council's resolution may permit applications on a case by case basis, a type of application, or all applications to amend the Zoning By-law.

Public Open House [Section 34 (12.b) (14)]

- For a new Zoning By-law or a Zoning By-law update as a result of a 5 year review of an Official Plan, the municipality is required to hold a public open house a minimum of 7 days prior to the public meeting. The notice of public open house and public meeting can be combined into one notice.

Notice of Public Meeting [Section 34 (13) (14.1); O. Reg. 545/06 S.5 (1)]

- See **sample Notice of Public Meeting.**
- Notice of public meeting for a zoning by-law amendment is given 20 days prior to the meeting by selecting 1, 2, 4, 5; or 3, 4, 5.
 - 1) personal service, ordinary mail, fax or email to every owner of land within 120 metres of the area to which the proposed by-law applies. If a

condominium corporation is within 120 metres, notice may be given to the corporation instead of all owners assessed. The owner of any land containing 7 or more residential units is to be requested to post the notice in a location that is visible to all residents; and

- 2) by posting a sign on each separately assessed property to which the zoning by-law amendment would apply, or if this is impractical, at a nearby location chosen by the clerk;
- 3) publication in the newspaper;
- 4) by personal service, ordinary mail, fax, or email to persons who have requested in writing to be notified;
- 5) by personal service, ordinary mail, fax, or email to the required persons and public bodies.
- 6) Any other agency or individual as prescribed on circulation list

Notice of Dismissal Power [Section 34 (14.5)]

- At the public meeting, the Council shall ensure that information is made available to the public regarding the powers of the Ontario Land Tribunal to dismiss an appeal if the Appellant has not provided the Council with oral submissions at the public meeting or written submissions before the by-law is passed.

Further Notice [Section 34 (17)]

- Where a change is made in a proposed by-law after the holding of the public meeting, Council shall determine if further notice is to be given. If no further notice is being given Council shall pass a resolution under Section 34 (17) of the *Planning Act*.
- See **sample**

Notice of Passing [Section 34 (18) (19); O. Reg. 545/06 Sec. 6]

- Notice of passing of a by-law shall be given by personal service, ordinary mail, fax or email no later than 15 days after the by-law is passed to:
 - The person or public body that made the application, if any;
 - Every person or public body that has provided a written request for the notice of passing;
 - The Clerk of the County of Huron (include approved by-law);
 - The Regional Director of the Ministry of Municipal Affairs Municipal Services Office, if requested (include approved by-law);
 - The Huron County Planning & Development Department;
 - Any other agency or individual as prescribed on circulation list

The appeal period is 20 days – calculated from the day after the giving of notice is completed.

Notice of Refusal [Section 34 (10.9) -(10.11); O. Reg. 545/06 Sec. 4]

- When Council refuses a zoning by-law amendment application, notice of the refusal shall be given no later than 15 days after the day of the refusal to:
 - The owner/applicant
 - Each person and public body that filed a written request to be notified of a refusal; and
 - Any prescribed person or public body.

Appeal to the OLT [Section 34 (11)]

- If the by-law is appealed, the Clerk must provide all required material, including the notice of appeal and record, to the Ontario Land Tribunal within 15 days of the last day for filing an appeal. If an appeal is received, the council may decide to use mediation or dispute resolution techniques. If council decides to begin this process, then a notice of its intention must be sent to all Appellants and an invitation sent to participate in the dispute resolution process to:
 - As many of the Appellants as council deems appropriate;
 - The applicant, if the applicant is not an Appellant; and
 - Any other persons or bodies that council considers appropriate

Participation in the dispute resolution process by those who receive invitations is voluntary. If council decides to begin the dispute resolution process, the 15-day period for the Clerk to provide all required materials (notice of appeal and record) to Ontario Land Tribunal is extended to 75 days.

Full Force and Effect [Section 34 (21) (22)]

If no appeals are received, the by-law comes into force on the day it was passed (pursuant to section 34(21) of the Planning Act).

- The clerk should prepare an affidavit/declaration under section 34(22) of the Planning Act declaring the by-law in full force and send the declaration to:
 - The owner/applicant;
 - Any person or agency requesting notice;
 - County of Huron Planning and Development Dept.; and
 - Municipal Property Assessment Corporation

Temporary Use By-laws

(Section 39 of the Planning Act RSO, 1990 as amended and Ontario Regulation 545/06 as amended)

Introduction

Under Section 39 of the Planning Act, Council may pass a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited in the zoning by-law.

A by-law permitting a temporary use shall define the area to which it applies and prescribe the period of time for which the temporary use shall be in effect.

The application for a Temporary Use By-law is processed in a similar manner as a zoning by-law. The local municipality is the approval authority for a Temporary Use By-law.

Background [Section 39]

Types of Temporary Use By-laws

There are generally two types of temporary use by-laws:

1. Temporary use by-laws to zone land or buildings for a specific use for a maximum period of three years.
2. Temporary use by-laws which permit the establishment of a garden suite for a period of up to 20 years. A “garden suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Time and Effect of Temporary Use By-laws

Temporary use by-laws zone land or buildings for a specific use for a maximum of three years at a time, with further extensions (three years) possible.

In cases of authorizing the temporary use of a garden suite the temporary by-law may allow it for a period not exceeding twenty years, with further extension (three years each renewal) possible.

Expiration of a Temporary Use By-law

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as Non-Conforming Uses. It is the responsibility of the applicant or the owner of the property to renew the temporary use by-law prior to its expiration.

Development Agreement

In the case of a garden suite, council may require, as a condition of the temporary use by-law that the owner of the garden suite or any other person enter into an agreement dealing with matters related to:

- The installation, maintenance and removal of the garden suite;
- The period of occupancy of the garden suite by any of the persons named in the agreement;
- The monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

Issues for Council's Consideration

In considering temporary use by-laws, council shall be satisfied that:

- The use will be of a temporary nature only; and
- Will not have an adverse effect on the surrounding area, with regard to such matters as type of use, parking, traffic, access and exit.

Process

Temporary Use By-laws are circulated using the same process and circulation list as zoning by-law amendments.

Complete Application [Section 34 (10)]

- A pre-consultation meeting has occurred.
- Application form, fee, and supporting material(s) submitted to the local Municipal Office.
- Council (or delegated staff) determine if application is complete or not and notifies applicant within 30 days of receiving application form and fee. If complete, application assigned a file number and processing commences.
- The municipality must notify the required agencies and public that a complete application has been received within 15 days of notifying the applicant that the application is complete. This notification can be combined with the notice of public meeting.

Notice of Public Meeting [Section 34 (13) (14.1); O. Reg. 545/06 S.5 (1)]

- See **sample Notice of Public Meeting**. "Public Meeting concerning a proposed Zoning By-Law Amendment"
- Notice of public meeting for a zoning by-law amendment is given 20 days prior to the meeting by selecting 1, 2, 4, 5; or 3, 4, 5.
 - 1) personal service or ordinary mail to every owner of land within 120 metres of the area to which the proposed by-law applies. If a condominium corporation is within 120 metres, notice may be given to the corporation instead of all owners assessed. The owner of any land containing 7 or more residential units is to be requested to post the notice in a location that is visible to all residents; and

- 2) by posting a sign on each separately assessed property to which the zoning by-law amendment would apply, or if this is impractical, at a nearby location chosen by the clerk;
- 3) publication in the newspaper;
- 4) by personal service, ordinary mail, fax, or email to persons who have requested in writing to be notified;
- 5) by personal service, ordinary mail, fax, or email to the required persons and public bodies as prescribed on the circulation list.

Notice of Dismissal Power [Section 34 (14.5)]

- At the public meeting, the Council shall ensure that information is made available to the public regarding the powers of the Ontario Land Tribunal to dismiss an appeal if the Appellant has not provided the Council with oral submissions at the public meeting or written submissions before the by-law is passed.

Further Notice [Section 34 (17)]

- Where a change is made in a proposed by-law after the holding of the public meeting, Council shall determine if further notice is to be given. If no further notice is being given Council shall pass a resolution under Section 34 (17) of the *Planning Act*.
- See sample resolution on page 78

Notice of Passing [Section 34 (18) (19); O. Reg. 545/06 Sec. 6]

- See **sample**
- Notice of passing of a by-law shall be given by personal service, ordinary mail, fax or email no later than 15 days after the by-law is passed to:
 - The person or public body that made the application, if any;
 - Every person or public body that has provided a written request for the notice of passing;
 - The Clerk of the County of Huron (include approved by-law);
 - The Regional Director of the Ministry of Municipal Affairs Municipal Services Office, if requested (include approved by-law);
 - The Huron County Planning & Development Department;
 - Any individual or agency as prescribed on the circulation list.

The appeal period is 20 days – calculated from the day after the giving of notice is completed.

Notice of Refusal [Section 34 (10.9) -(10.11); O. Reg. 545/06 Sec. 4]

- When Council refuses a zoning by-law amendment application, notice of the refusal shall be given no later than 15 days after the day of the refusal to:
 - The owner/applicant
 - Each person and public body that filed a written request to be notified of a refusal; and
 - Any prescribed person or public body.

Appeal to OLT [Section 34 (11)]

- If the by-law is appealed, the Clerk must provide all required material, including the notice of appeal and record, to the Ontario Land Tribunal within 15 days of the last day for filing an appeal. If an appeal is received, the council may decide to use mediation or dispute resolution techniques. If council decides to begin this process, then a notice of its intention must be sent to all Appellants and an invitation sent to participate in the dispute resolution process to:
 - As many of the Appellants as council deems appropriate;
 - The applicant, if the applicant is not an Appellant; and
 - Any other persons or bodies that council considers appropriate

Participation in the dispute resolution process by those who receive invitations is voluntary. If council decides to begin the dispute resolution process, the 15 day period for the Clerk to provide all required materials (notice of appeal and record) to Ontario Land Tribunal is extended to 75 days.

Full Force and Effect [Section 34 (21) (22)]

If no appeals are received, the by-law comes into force on the day it was passed (pursuant to section 34(21) of the Planning Act).

- See **sample**
- The clerk should prepare an affidavit/declaration under section 34(22) of the Planning Act declaring the by-law in full force and send the declaration to:
 - The owner/applicant;
 - Any person or agency requesting notice;
 - County of Huron planning and development dept.; and
 - Municipal Property Assessment Corporation.

Removal of Holding Symbol

(Section 36 of the Planning Act RSO, 1990 as amended and Ontario Regulation 545/06)

Introduction

Local Council may use a holding “H” symbol on a zoning by-law passed under Section 34 of the Planning Act (use the zoning by-law process to implement a holding zone). Holding zones are often used where there are outstanding details of development to be determined. A holding zone may be removed by amending the original zoning by-law.

Section 36 of the Planning Act sets out the process and requirements for removing the holding symbol in a zoning by-law. The local municipality is the approval authority for an application to remove a holding symbol.

Process

Complete Application

- Application form, fee, and supporting material(s) submitted to the local Municipal Office.
- Application reviewed for completeness and prescribed information.
- If complete, application assigned a file number and processing commences.

Notice of Intention [O. Reg. 545/06 Sec. 8]

Notice of Intention to pass an amending by-law to remove holding symbol is given by selecting 1, 3; or 2, 3.

- 1) Personal service or ordinary mail to the owner of the subject property. If the owner of the subject property is a condominium corporation, notice may be given to the condominium corporation instead of being given to all land owners;
- 2) Publication in the newspaper;
- 3) By personal service, ordinary mail, fax or email to every person or public body requesting notice.

The notice shall include the following:

- An explanation of the effect of the removal of the holding symbol.
- A description of the subject land and/or a key map showing the subject land.
- A statement of the earliest day on which Council proposes to meet to pass the amending by-law.

No public meeting is required.

- A notice of decision is only required to be sent to the property owner. See **sample**

Zoning and Related By-laws
Temporary Use By-laws

No appeal period, other than for the owner if Council refuses to or neglects to make a decision on the application within 120 days.

Sample Notices & Additional Materials

Sample

**Public Meeting
concerning a
Proposed Zoning By-Law Amendment
affecting the Municipality Of _____**

Take Notice that Council of the Corporation of the Municipality of (name of municipality) will hold a public meeting on _____ (date & time) . in the (location) to consider a proposed zoning by-law amendment under Section 34 of the Planning Act.

File:

Applicant:

Owner:

Location of Property:

Purpose and Effect

(Description Of Purpose And Effect)

(if it is known that the subject land is the subject of another planning application a statement of that fact and the file number)

Be Advised that the Council of the Corporation of the Municipality of _____ **(name Of Municipality)** considered this application to be complete on (Date)_____.

If you are an owner of any land containing seven or more residential units, you are requested to post this notice in a location that is visible to all of the residents.

Any Person may attend the public meeting and/or make written or verbal representation either in support or in opposition to the proposed zoning by-law amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to **(Name of Municipality)** before the by-law is passed, the person or public body is not entitled to appeal the decision of the **(Name of Municipality)** to the Ontario Land Tribunal.

If a person or public body does not make an oral submission at a public meeting or make written submissions to **(Name of Municipality)** before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to add the person or public body.

If you wish to be notified of the decision of (name of municipality) on the proposed zoning by-law amendment, you must make a written request to (name and address of

Zoning and Related By-laws
Sample Notices & Additional Information

municipality). <<<the above 3 paragraphs are for all notices, except newspapers, only>>>

For more information about this matter, including information about preserving your appeal rights, contact (address, phone number or website of municipal office). <<<**this paragraph is for newspaper notices only**>>>

Additional Information relating to the proposed zoning by-law amendment is available for inspection during regular office hours at the Municipal Office (**Address of the Municipal Office, Website, & Phone Number**) and the County of Huron Planning and Development Department (519) 524-8394 x3.

Council meetings are being held in person, with electronic attendance options. Persons wishing to participate in the planning process are strongly encouraged to send their comments, questions or concerns via email to (**Planner**), at (**email**) (519-524-8394 ext. 3). Please provide comments by (**day, month**) to allow them to be incorporated into the staff report and agenda.

Dated at the Municipality of _____

This ___ day of _____, (year).

Name of Clerk
Address of Clerk

Notice of Passing of a Zoning By-Law Amendment by the Corporation of the (name of Municipality)

Take Notice that the Council of the (name of municipality) passed By-law No. (enter by-law number) on the (date) day (month), (year), under Section 34 of the Planning Act, RSO.

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

And Take Notice that any person or agency may appeal to the Ontario Land Tribunal in respect of the By-law by filing with the Clerk of the (name of municipality), not later than (day) day (month), 20xx, at 4 pm, a notice of appeal setting out the objection

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal, unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

An Explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies is provided below and a Key Map showing the locations of affected lands is attached. The complete by-law is available for inspection at the Municipal Office during office hours.

Dated at the (Name of Municipality) this (Date) day, (Month), (Year).

(Name), (Position)
Name of Municipality
Address
Phone number

Notice of the Refusal to Pass a Zoning Bylaw Amendment by the Corporation of the ___ (name of Municipality) ___

Take Notice that the Council of the ___ (name of municipality) ___ refused to pass a proposed zoning by-law amendment on the (date) day (month), (year), under Section 34 of The Planning Act, R.S.O. 1990, as amended.

And Take Notice that only the applicant or the Minister of Municipal Affairs and Housing may appeal to the Ontario Land Tribunal in respect of the refusal to pass this by-law by filing with the Clerk of the (name of municipality), not later than 4:30 p.m. on (date) day (month), (year) a notice of appeal setting out the objection to the refusal to pass the by-law, reasons in support of the objection, and the fee required by the Tribunal.

An Explanation of the purpose and effect of the refused by-law, describing the lands to which the refused by-law applies is provided below. A complete copy of the refused Zoning By-law is available for inspection at the Clerk's Office during regular office hours.

The zoning by-law amendment was not passed due to (reason). The decision of the Council of the (name of municipality) is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the plan that were made to Council had on the decision>>>

Additional Information relating to the refused by-law amendment is available during regular office hours at the (Name of Municipality) Municipal Office Phone Number, and the Huron County Planning and Development Department (519) 524-8394 Ext. 3.

Dated at the (Name of Municipality)

(Date) day (Month), (Year)

(Name), CAO/Clerk
Name of municipality
Address
Phone Number

Purpose and Effect:

(Description of Purpose & Effect)

Zoning and Related By-laws
Sample Notices & Additional Information

Sample resolution under Section 34(17) of the Planning Act, that no further notice is required and that the change to the draft Zoning By-law as circulated are minor.

**Corporation of the
Township/Municipality of xxxxxxxx
Motion - 2018**

Resolution regarding further notice

Pursuant to Section 34(17) of the Planning Act, RSO 1990

Whereas Council of the Corporation of the Township of _____ has held a Public Meeting pursuant to Section 34(12) of the Planning Act, RSO 1990 with respect to a proposed zoning by-law affecting Concession, Lot ## in the Township/Municipality of _____ (zoning by-law amendment application ZBA##/XX);

And whereas certain changes have been made to the proposed by-law after the holding of the public meeting;

Now, therefore, the Council of the Corporation of the Township/Municipality of _____ hereby resolves that, pursuant to Section 34(17) of the Planning Act, RSO 1990, no further notice is to be given in respect of the proposed by-law.

Moved by

Seconded by

Zoning Certificate

By-Law No. (Number Of By-Law) __
Corporation of the (name of municipality) __
(legal description) __, __ (name of municipality) __

Certificate under Section 34 (22) of The Planning Act, R.S.O. 1990, as amended.

I, (Name), Clerk of the (Name of Municipality), do hereby certify that the notice by By-law No. (Number of By-Law), passed by the council of the (Name of Municipality) on the (Day), (Month), (Year), was given in a manner and form and to the persons prescribed by regulation made by the Lieutenant Governor-in-Council, under Subsection 18 of Section 34 of The Planning Act, R.S.O. 1990, as amended.

I, also certify that twenty (20) day objection period expired on (Day), (Month), (Year), and to this date no objection or request for change in the provisions of By-law No. (Number of By-Law), has been filed by any person in the office of the clerk.

By-law No. (Number of By-law) of the Corporation of the (Name of Municipality) is now in full force.

Dated this (Day) (Month), (Year).

(Name), Clerk
(Name of Municipality)

Copies mailed to:

1. County of Huron, Planning and Development Department
57 Napier Street, 2nd floor
Goderich, Ontario. N7A 1W7
2. (Name)
Chief Building Official
(Address)
3. (Name of Applicant)
(Address)

The Corporation of the (Name of Municipality)

Notice of Intention to Remove a Holding Zone

Persuant to Section 36(4) of *The Planning Act*, R.S.O. 1990

Re: Removal of Holding Zone Application File # (File Number)

Location: (Legal Description of Lands)

Owner: (Name)

Applicant: (Name)

Please be advised that Council of the Corporation of the (Name of Municipality) intends to pass an amending by-law to remove a holding zone for the above described lands at their regularly scheduled Council meeting in the (Name of Municipality) Council Chambers, (Address) on:

(Day Of Week), (Month) (Date), (Year) at (Time).

You are being notified of this application because you are the applicant/owner of the lands or are an agency requiring notice.

Effect of the Removal of the Holding Zone

(Insert Description Here)

This by-law amends zoning by-law (Insert By-Law #), of (Insert Name of Municipality or Town). Maps showing the general location of the lands to which this by-law applies are shown on the following pages.

Providing Comments

Any person may attend the Council meeting and/or make written or verbal representation either in support or in opposition to the proposed amending by-law to remove a holding zone. You may also comment by mail, email, or fax. Written submissions should be sent to the attention of the Clerk, (name), and received no later than noon on (day of week), (month) (date), (year)

Please note that comments and opinions submitted on these matters, including the originator's name and address, become part of the public record and may be viewed by the general public and may be published in a Planning Report, Council Agenda or Council Minutes.

Additional Information

Additional information related to this application may be obtained at the municipal office, (address) (phone number), between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday). Information may also be posted on our website (website address).

Dated at the (Name of Municipality) this (Date) day of (Month) (Year).

Zoning and Related By-laws
Sample Notices & Additional Information

(Name), Clerk

*(Insert Appropriate Maps) *

The Corporation of the (Name of Municipality)

Notice of Passing to Remove a Holding Zone

Re: Removal of Holding Zone Application File # (File Number)

Location: (Legal Description of Lands)

Owner: (Name)

Applicant: (Name)

Please be advised that Council of the Corporation of the (Name of Municipality) passed By-law # (Insert By-Law #) on the (Date) day of (Month) (Year) under section 36 of the *Planning Act*, R.S.O. 1990, as amended.

You are being notified of this application because you are the applicant/owner of the lands or are an agency requiring notice.

Effect of the Removal of the Holding Zone

(Insert Description Here)

This by-law amends zoning by-law (Insert By-Law #), of (Insert Name of Municipality or Town).

Appeals

This by-law is not subject to appeal.

Additional Information

The complete by-law is available for inspection at the municipal office, (address) (phone number), between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday). Information may also be posted on our website (website address).

Dated at the (Name of Municipality) this (Date) day of (Month) (Year).

(Name), Clerk

Zoning and Related By-laws
Sample Notices & Additional Information

The Corporation of the (Name of Municipality)

By-law # - (year)

“Being a By-law to amend By-law (insert by-law #), as amended, of the (name of municipality) to remove the ‘H’ holding zone on the lands known as (insert legal description of lands).”

Whereas Council of the Corporation of the (name of municipality) passed By-law #(insert by-law number) to amend the (name of municipality) Zoning By-law #(insert by-law number);

And Whereas Council of the Corporation of the Municipality (name of municipality) considers it advisable to amend Zoning By-law #(insert by-law number), as amended, of the (name of ward), Corporation of the (name of municipality);

Now Therefore, Council of the Corporation of the (name of municipality) ENACTS as follows:

1. This by-law shall apply to (insert legal description of lands).
2. By-law # (insert by-law number), as amended, is hereby further amended by changing the zone symbol of the lands so designated on the attached Schedule ‘A’ from (insert current zoning) to (insert new zoning).
3. Key Map (key map number), Schedule A, By-law # (insert by-law number), as amended, is hereby further amended and replaced with amended Key Map (key map number), attached hereto, which is declared to be part of this by-law.
4. Schedule 1 attached hereto is declared to be part of this by-law.
5. This by-law shall come into effect upon final passing, pursuant to Section 36(4) of the Planning Act, 1990.

Read a first and second time _____, (Year).

Read a third time and finally passed _____, (Year).

(Name), (Mayor or Reeve)

(Name), Clerk

Schedule 1 to By-Law - (Year)

The Corporation of the (Name of Municipality)

By-law - (year) has the following purpose and effect:

1. This by-law proposes to allow for the removal of the “H” holding zone on (Insert Legal Description of Lands).
2. The entire property is (Number of Hectares) hectares and is located (Insert Description of Location).
3. This by-law will rezone the subject lands from an (Insert Current Zoning) to an (Insert New Zoning) zone.
4. (Insert Other Purposes and Effects as Required)
5. This by-law amends zoning by-law # (Insert By-Law Number), of the (Name of Ward). Key maps showing the general location of the lands to which this by-law applies are shown on the following pages.

Schedule 1 to By-Law (Year)

The Corporation of the (Name of Municipality)

(Insert Ward Map and Key Map, As Appropriate)

Minor Variances

(Section 45 of the Planning Act RSO, 1990 as amended and Ontario Regulation 200/96, as amended)

Introduction

Section 45 of the Planning Act sets out the process and requirements for minor variance applications. The municipality's local committee of adjustment is the approval authority for minor variances.

No person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the 2nd anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that the application for the minor variance is permitted.

Process

Notice and Public Hearing [Section 45 (4)(5); O. Reg. 200/96 S. 3]

- See [sample](#)

The public hearing must be held within 30 days after the application is received by the secretary-treasurer of the Committee.

Notice of public hearing is given 10 days prior to the hearing by selecting 1, 2, 4, 5; or 3, 4, 5.

- 1) personal service or ordinary mail to every owner of land within 60 meters of the subject site to which the proposed variance would apply. If a Condominium development is located within 60 metres of the area, notice may be given to the Condominium Corporation, instead of all owners assessed; and

Note: If the use of the subject land is restricted in the zoning by-law to only detached, semi-detached or duplex housing and the application is for a variance under Section 45(1), the Committee of Adjustment may direct that the area of notification be reduced to 30 metres.

- 2) posting a notice on site or where impractical, on a nearby site;
- 3) publication in the newspaper;
- 4) by personal service, ordinary mail, fax, or email to persons who have requested in writing to be notified;
- 5) by personal service, ordinary mail, fax, or email to the required agencies as prescribed on the circulation list. A copy of the application must also be sent to the required agencies.

A notice of public hearing should include the following:

- Date, time and location of hearing;
- Purpose and effect of the minor variance;
- Description of the subject land or a key map showing the location of the land;
- Whether the subject land is subject of any other planning application and if is the land the subject of a plan of subdivision or a consent and the file number;
- If applicable, a request that the notice be posted by the owner of any land that contains 7 or more residential units in a location visible to all residents.

If notice is given by a sign, it shall include the following:

- Date, time and location of hearing;
- An explanation purpose and effect of the minor variance;
- A description of the subject land or a key map showing the subject land;
- Where and when additional information will be available;
- The following statement:

“For more information about this matter, contact (address, email address, website or other location or means by which information may be obtained from the committee).”

Notice of Decision [Section 45 (10)]

- See **sample**
- The notice of decision, including the last day for appealing to the Ontario Land Tribunal, must be mailed within 10 days of the Committee’s decision. The appeal period is 20 days from the day the decision is made.

The Notice of Decision shall be sent to:

- The Applicant
- Each person who appeared in person or by counsel at the hearing and filed a written request for Notice of the Decision
- Huron County Planning & Development Department
- Ministry of Municipal Affairs and Housing (if requested);
- The notice of decision will include an explanation of the effect any oral submissions made at the hearing or written comments that were made to the Committee had on the decision;
- Any individual or agency as prescribed on the circulation list.

Appeal to the OLT [Section 45 (12)]

- Upon receipt of a notice of appeal, the secretary-treasurer shall promptly forward the notice of the appeal, the fee, all documents filed with the committee relating to the matter appealed, such documents as may be required by the Board and any prescribed information and materials to the Ontario Land Tribunal.

Decision Final [Section 45 (14)]

- See **sample**
- If within the 20 days, no notice of appeal is received, the decision of the Committee is final and binding, and the secretary-treasurer of the Committee shall notify:
 - The applicant
 - The clerk of the municipality
 - Huron County Planning & Development Department

Minor Variances

Sample Notices & Additional Materials

Corporation of the (Name of Municipality) Committee of Adjustment Public Hearing Notice

Planning Act (RSO 1990), s. 45(5)

Take Notice that the Municipality of _____ Committee of Adjustment will hold a public meeting on:

(Insert Location, Date, Time)

To consider a proposed minor variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

File: [MUN] MV [Number] - [YR]

Applicant:

Owner:

Location of Property: [Municipal Address] legally described as [legal description]

Purpose and Effect:

[insert here]

Existing Zoning By-Law Provisions:

[insert here]

Proposed Minor Variance:

[insert here]

Public Hearing

The [Municipality] Committee of Adjustment is holding meetings [in person and / or electronically]. You can attend this public hearing [in person / by phone / by electronic means] to express your views about this application or you may be represented by counsel for that purpose.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the secretary-treasurer of the committee at the address shown below.

If you are an owner of any land containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

Failure to Attend

If you do not attend at the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

Notice of Decision

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing in the event the decision on this application is appealed.

Additional information relating to the proposed minor variance is available for inspection between 8:30 a.m. and 4:30 p.m. [at the Clerk's office].

Dated at the Municipality of _____ this (Date) Day of (Month), (Year)

_____, Clerk,

Municipality of _____, (insert address)

**Municipality of (Name of Municipality)
Committee of Adjustment**

Decision of Committee with Reasons

Re Application for Minor Variance or Permission

Planning Act, R.S.O. 1990, cP.13., S. 45(8)

File no. **MV__/___**

Notice: The last day for appealing this decision is _____

Appeals:

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for details about appeal rights:

<https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

Any appeals of the decision of the Committee of Adjustment must be filed with the Secretary-Treasurer of the Committee setting out the reasons for the appeal. A payment of \$400.00 to the Minister of Finance is required. A copy of the appeal form is available from the Ontario Land Tribunal **website**.

If no appeal is received before the date above, a Notice of No Appeal will be sent to the Applicant.

Applicant:

Owner:

Location of Property:

Purpose of Application:

Date of Decision:

Decision:

Conditions:

Reasons for Decision:

The Committee considered the variance to be minor, to maintain the appropriate development of the lands and to maintain the general intent of the zoning by-law and official plan.

Any prescribed criteria, if any, must also be considered.

[Section 45(1) sets out the 4 tests of the Planning Act. There is now an additional requirement that any prescribed criteria must also be considered. The prescribed criteria are set out in Regulation (O. Reg. 200/96)]

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the application that were made to the Committee had on the decision>>>

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Certification

Planning Act, R.S.O. 1990, c.P.13., S. 45(10)

I, (Name), (Position) of the (Name of Municipality) Committee of Adjustment, certify that this decision was concurred in by the majority of the members hearing it. I certify that the above is a true copy of the decision of the Committee with respect to the application recorded therein.

Dated this _____ day of _____, (year).

Interim Control By-law or Extension of an Interim Control By-law

(Section 38 of the Planning Act RSO, 1990 amended and Ontario Regulation 545/06, S.9)

Introduction

Section 38 of the Planning Act sets out the process and requirements for passing an interim control by-law. Interim control by-laws are municipally initiated processes (no application) of which the municipality is the approval authority.

Process

No notice of public meeting or hearing is required prior to the passing of an interim control by-law, but the clerk of the municipality shall give notice of a by-law passed within 30 days of its passing.

Notice of Passing [Section 38 (3)]

Notice of passing of interim control by-law or by-law to extend interim control is given by selecting 1, 3, 4; or 2, 3, 4.

- 1) personal service or ordinary mail to every owner of land within 120 metres of the area to which the by-law applies;
- 2) publishing a notice in the newspaper;
- 3) by personal service, mail, fax, or email to the Clerk of the County of Huron;
- 4) personal service, mail, fax, or email to Ministry of Municipal Affairs (if requested notice of the passing of by-laws);
- 5) any individual or agency as prescribed on the circulation list.

Notice of passing shall include:

- A copy of the by-law and an explanation of its purpose and effect.
- A description of the subject land, a key map showing the subject land, or an explanation why no description or key map is provided.
- A statement that council has authority to extend the period during which the by-law will be in effect to a total period not exceeding two years.
- The last date for filing a notice of appeal, and a statement that notice of appeal,
 - Must be filed with the clerk of the municipality, and
 - Must set out the reasons for the appeal, and

The following statement:

“For more information about this matter, contact (address, email address, website or other location or means by which information may be obtained from the municipality).”

Appeal to the OLT [Section 38(4)]

Any person or public body to whom notice of a by-law was given may file an appeal to the OLT by filing with the clerk within 60 days of the passing of the by-law a notice setting out the objection to the by-law and reasons to support the objection.

Undisputed Consent Applications (staff approval) and Disputed Consent Applications (Committee decision)

(Section 53 the Planning Act RSO, 1990 as amended and Ontario Regulation 197/96 as amended)

Introduction

Section 53 of the Planning Act sets out the process and requirements for consent applications. The County of Huron is the approval authority for consents with the exception of within Goderich where the Town of Goderich is the approval authority. The process outlined here applies only to consent applications submitted to the County of Huron.

Process

- Land Division Administrator (LDA) receives application and fee and determines if application is complete, assigns B# and enters information in tracking database;
- LDA circulates application to Planner;
- LDA circulates Notice of Application to municipality, agencies and neighbours requesting comments, if any, within 14 days of mail-out (municipal comments not required until Planning Report is considered by Municipal Council);
- For applications known to be disputed, LDA notifies neighbours of the Planning Committee meeting when application will be considered;

Planner conducts site visit, addresses comments (if any received to date) and prepares Planning Report for Municipal Council;

Municipal Council makes recommendation (approval with conditions, deferral, or denial) and notifies LDA;

Undisputed Consents (staff approval)

- Application meets all criteria for an Undisputed Consent.
- If, before Provisional Consent is granted by the Planning Committee, the application is found to meet all criteria for an Undisputed Consent, the application may be granted Provisional Consent by the County's Director of Planning & Development or in the Director's absence, the Manager of Planning or a Senior Planner.
- Planner may advise applicant of proposed conditions;
- Director reviews application with Planner;
- Director signs the Planner's report and decision sheet granting Provisional Consent with conditions;
- LDA circulates Notice of Decision and 20-day appeal period commences;

If no appeals are received after the 20-day appeal period then the decision is final.

If an appeal is received it is forwarded to the OLT within 15 days of receiving the appeal.

Disputed Consents (Committee Decision)

- Application does not meet all criteria for an Undisputed Consent.
- If, before Provisional Consent is granted by the Director, the application is found to fail one or more criteria for an Undisputed Consent, the application will be referred to the Planning Committee for a decision.
- LDA notifies applicant and engaged parties (if any) of Planning Committee meeting when application will be considered;
- Planner prepares Planning Report and presentation slides for the Planning Committee;
- LDA prepares application package for distribution to the Planning Committee;
- LDA circulates Notice of Decision and 20-day appeal period commences;

If no appeals are received after the 20-day appeal period then the decision is final.

If an appeal is received it is forwarded to the OLT within 15 days of receiving the appeal.

Complete Application [Section 53 (2) (3)]

- A pre-consultation meeting has occurred.
- Application form, fee, and supporting material(s) submitted to the Huron County Planning & Development Department.
- Land Division Administrator (LDA) determines if application is complete or not and notifies applicant and Clerk of local municipality within 30 days of receiving application and fee. Notification can be combined with the Notice of Application.

Notice of Application [Section 53 (5)]

Notice of application for consent is given by one of the following, at least 14 days before a decision is made by Council: 1, 2, 4, 5; or 3, 4, 5.

- 1) personal service or ordinary mail to every owner of land within 60 meters of the subject property. A condominium corporation may be notified instead of all assessed owners within the development; and
- 2) by posting a sign on each separately assessed property to which the consent would apply, or if this is impractical, at a nearby location chosen by the clerk;
- 3) publication in the newspaper;
- 4) by personal service, mail, fax or email to persons who have requested in writing to be notified;
- 5) by personal service, mail, fax or email to the required agencies. A copy of the application must also be sent to the required agencies.

Public Meeting

A public meeting will only be held if the consent application is disputed. If the consent application is not disputed then no public meeting is required.

Notice of Decision [Section 53 (17) (24)]

Within 15 days of the decision, notice must be mailed to the following:

- The applicant;
- Each person or public body that made a written request to be notified of the decision or conditions; and
- Director, Provincial Planning Services Branch of Ministry of Municipal Affairs and Housing, if requested;

Notice of changes to the conditions of a provisional consent shall also be mailed to the above list within 15 days.

Appeals [Section 53 (19) (21)]

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for details about appeal rights:

<https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

If an appeal is filed, all required material must be given to the OLT within 15 days after the last day for filing an appeal.

- If the consent is appealed, the Clerk must provide all required material, including the notice of appeal and record, to the Ontario Land Tribunal within 15 days of the last day for filing an appeal. If an appeal is received, the council may decide to use mediation or dispute resolution techniques. If council decides to begin this process, then a notice of its intention must be sent to all Appellants and an invitation sent to participate in the dispute resolution process to:
 - As many of the Appellants as council deems appropriate;
 - The applicant if the applicant is not an Appellant; and
 - Any other persons or bodies that council considers appropriate

Participation in the dispute resolution process by those who receive invitations is voluntary. If council decides to begin the dispute resolution process, the 15-day period for the Clerk to provide all required materials (notice of appeal and accompanying fee, and record) to Ontario Land Tribunal is extended to 75 days.

When no appeal is received, the decision to grant a provisional consent is final.

Subdivision / Condominium Process

(under the Planning Act RSO 1990 as amended and Ontario Regulation 544/06 as amended)

Introduction

Section 51 of the Planning Act sets out the process and requirements for plans of subdivision and plans of condominium. Huron County Council is the approval authority for P of S and P of C.

Process

Complete Application [Section 51 (19)]

- Pre-consultation meeting has occurred
- Application form, fee, and supporting material(s) are submitted to the County of Huron Planning and Development Department (57 Napier Street, Goderich).
- Council (or delegate staff) determine if the application is complete or not.
- Within 30 days of receiving the application and fee, the County shall notify the applicant and the clerk of the municipality in which the land is located that all required information has been received or has not been received, as the case may be.
 - Within 30 days after a negative notice (incomplete application) is given, the applicant or the County may make a motion to the Ontario Land Tribunal to determine whether the required information and material have been provided.
 - If the County does not provide notice within 30 days, the applicant may make a motion to the Ontario Land Tribunal to have the Board determine whether the application is complete.
- If the application is complete, a file number is assigned to the application and processing commences.

Notice of Particulars & Public Access/Public Meeting [Section 51 (19.4) (20); O. Reg. 544 S. 4]

Within 15 days of an affirmative notice of completeness, the County shall circulate in the prescribed manner if the Official Plan sets out alternative measures for information and obtaining views of the public in respect of proposed plans of subdivision a notice of particulars and public access to:

- Prescribed persons and public bodies notice of the application
- Make information and material provided in the application available to the public

Notice of Public Meeting [Section 51 (20)]

- See **sample**

The County requests that a joint County/Municipal public meeting be held at the local municipality [Section 51(21)]. The County will appoint a representative of Huron County's Committee of the Whole Day 1 Committee to attend the public meeting at the local municipality.

Note: The notice of complete application, notice of particulars and public access, and the notice of public meeting may be separate or combined.

Note: While the Planning Act does not require a notice of application be circulated, or a public meeting held for a plan of condominium (other than a vacant land condominium or a common elements condominium), it is County policy to require a notice of application and public meeting be held for **all** condominium developments and condominium conversions.

Notice is given at least 14 full days before the public meeting (i.e., the public meeting may be held on the 15th day after notice is given). Please select 1, 2, 4, 5, 6; or 3, 4, 5, 6.

- 1) personal service, email or ordinary mail to all owners of land within 120 metres of the subdivision boundaries and, where the applicant owns land abutting the proposed subdivision, to all owners of land within 120 metres of the owner's additional land; and
- 2) posting a sign at every separately assessed property within the proposed subdivision lands, or if this is impractical, at a nearby location chosen by the clerk;
- 3) publication in the newspaper;
- 4) by personal service, ordinary mail, fax, or email to every person or public body that has requested in writing to be notified as prescribed on the circulation list;
- 5) by personal service, ordinary mail, fax, or email to the required agencies (include a copy of the application)
- 6) by personal service, ordinary mail, fax or email to the Ministry of Municipal Affairs, if requested in writing (include a copy of the application).

Note: A notice given by posting a sign shall include:

- The date, time and location of the public meeting.
- A description of the proposed plan of subdivision.
- Where and when additional information and material is available for public inspection.
- A description of the subject land or a key map showing the subject land.
- The following statement:

“For more information about this matter, contact (address, email address, website or other location or means by which information may be obtained from the municipality).”

A notice that is given by personal service, mail, fax, or email shall include:

- The date, time and location of the public meeting.
- A description of the proposed plan of subdivision.
- Description of land or key map showing the subject land.
- Where and when additional information is available.
- If applicable, a request that the notice be posted by the owner of any land that contains 7 or more residential units in a location visible to all residents.
- Statutory statements found in O. Reg. 544/06 Sec. 5(4).

A notice that is given by newspaper shall include:

- A description of the proposed plan of subdivision.
- Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
- A description of the subject land or a key map showing the subject land.
- The following statement:

“For more information about this matter, contact (address, email address, website or other location or means by which information may be obtained from the municipality).”

Clerk’s Record [O. Reg. 544/06 Sec. 6]

Following the public meeting, the Municipality must submit the following to the County:

- The original or a copy of all written submissions and comments received by the local municipality on or before the day the public meeting was held;
- An affidavit or sworn declaration by an employee of the local municipality certifying that notice requirements and the holding of a public meeting under Section 51(20)(a) has been complied with;
- An affidavit or sworn declaration by an employee of the local municipality listing all persons and public bodies that made oral submissions at the public meeting; and
- A copy of the minutes of the public meeting.

Notice of Decision [Section 51(31)]

- See [sample](#)

The County makes the decision on the plan of subdivision/condominium and will circulate the notice of decision. No decision may be made by the County on the application for at least 14 days after the public meeting is held.

If no decision is made within 180 days, the applicant may appeal the file to the OLT by filing with the County a notice of appeal and the OLT fee. The County forwards the record to the OLT within 15 days.

Within 15 days of the decision of County Council, a notice of decision will be circulated by the County to:

- The applicant;
- Each person or public body that made an oral submission or filed a written submission to the local municipality or the County;
- Local municipality;
- The Ministry of Municipal Affairs;
- Any individual or agency as prescribed on the circulation list.

The notice of decision shall include the following:

- A copy of the decision, including the conditions and the lapsing provision
- The last date for filing notice of appeal and a statement that the notice of appeal must be filed with the County, include reasons for the appeal.
- A statement that the applicant, the Minister of Municipal Affairs, the municipality and any public body that made oral or written submissions at the public meeting may appeal any of the conditions by filing a notice of appeal with the County prior to final approval.
- A statement regarding the effect of written and oral submissions and the effect, if any, that the written and oral submissions relating to the application that were made to Council had on the decision
- Statutory statements listed in O. Reg. 544/06 Sec. 9(1).

Appeal to the OLT [Section 51 (34)(39)]

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for details about appeal rights:

<https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

When no appeal is received, draft plan approval or refusal is deemed to have been made on the day after the appeal period lapses.

At any time before final approval, the applicant or any public body may appeal any of the conditions by filing with the County a notice of appeal and the OLT fee.

When a notice of appeal is filed under subsection (39), (43) or (48), the council may use mediation, conciliation, or other dispute resolution techniques to attempt to resolve the dispute. (51.49.1)

If the approval authority decides to act under Subsection (51.49.1) the Council shall give a notice of its intention to use dispute resolution techniques to all the Appellants; and shall give an invitation to participate in the dispute resolution process to:

- As many of the Appellants as the council considers appropriate
- The applicant, if the applicant is not an Appellant, and
- Any other persons or public bodies that the council considers appropriate

When the approval authority gives a notice under clause (51.49.2.a) the 15-day appeal period is extended to 75 days rather than 15 days.

Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (27.2) is voluntary.

The County forwards the record to the OLT within 15 days of receiving the appeal.

Notice of Changed Conditions [Section 51(45)]

The County may withdraw draft approval or change any of the conditions. Written notice of changed conditions is given within 15 days in the same form and to the same persons as the notice of decision and the same appeal periods apply. If the change in conditions is considered minor, no notice of the changed conditions is required.

Final Approval [Section 51 (58) (59)]

The applicant must complete and submit the application for final approval of a plan of subdivision and condominium and submit it to the County with documentation demonstrating that all conditions have been fulfilled.

When the County is satisfied that all conditions have been fulfilled, final approval may be given by the signatures of the Warden and the County Clerk.

The final Plan is 'stamped' for the signatures of the Warden and the County Clerk. Communication is important with the surveying company who is drawing the final plan to ensure that the 'stamp area for signing' is correct.

Example 'Signature box' that is placed on the Final Plan (see next page):

Approved Under Section 51 of The Planning Act 1990, BY

The Corporation of the County of Huron

This _____ Day of _____, _____

Warden

County Clerk

WE HAVE THE AUTHORITY TO BIND THE CORPORATION

****Note:** the 'Approved Under Section' noted above for a 'Condominium' may refer to Section 9 of the Condominium Act applying for certain elements and be exempt for other elements depending on the type.

The approved plan shall be registered within 30 days of approval or the County may withdraw final approval.

Subdivision and Condominium Approvals Procedures: an Applicant's Guide

Introduction

This document will provide the applicant with information on the Plan of Subdivision/ Condominium approval process in the County of Huron. It is intended to provide an overview of the steps required to make and obtain a decision on an application.

Subdivisions

When you divide a piece of land into two or more parcels in order to sell one or more, you are subdividing property, and the provisions of the Planning Act come into play.

To subdivide land, you need approval of a plan of subdivision from Council of the County of Huron.

Subdivision approval ensures that:

- The land is suitable for its proposed new use;
- The proposal conforms to the local and county official plan and provincial legislation; and
- Communities are protected from developments which are inappropriate or may put undue strain on community facilities, services or finances.

A plan of subdivision is generally required where an applicant wants to create three or more lots.

A registered plan of subdivision creates new, separate parcels of land and that can be legally transferred and sold.

Condominiums

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Similarly, condominiums must be approved by Council of the County of Huron.

Condominiums are a form of property ownership in which title to a unit is held by an individual together with a share of the rest of the property, which is common to all owners.

Under Section 50(3) of the Condominium Act, an application for approval of a Condominium Description follows the same planning approval process as subdivisions.

Plan of Subdivision/Condominium Process in Huron County

Before Applying / Pre-consultation

A pre-consultation meeting with the applicant, municipal staff, county planning staff and affected agencies is required prior to the submission of an application. This meeting is of significant benefit, since this meeting will establish the information and material that is required by the County and affected municipality in order to process the plan of subdivision or condominium application. This meeting can be used to review a concept plan and outline any studies (i.e. traffic impact study, stormwater management report, etc.) that will be required to be submitted with the application. Required studies must be completed prior to making formal application.

All applications are reviewed against the Planning Act, the Provincial Policy Statement, the County Official Plan and Municipal Official Plan. In some cases, the applicant may require an Official Plan Amendment and a Zoning By-law Amendment. These applications may be submitted and processed concurrently with a plan of subdivision/condominium application. Decisions on concurrent applications will be made at an appropriate time in the plan of subdivision process.

The Application

The application form proposed draft plan and any required background studies are to be submitted to the County of Huron Planning & Development Department.

The applicant is solely responsible for the accuracy of all information provided pursuant to these guidelines.

The application must be accompanied by the application fee set by County Council.

Draft Plan Requirements

For circulation purposes, the application shall include:

- 5 copies of the plan or sets of plans;
- 5 copies of the plan or set of plans reduced to an 8.5"x11" format of a quality suitable for further reproduction.
- Electronic copy of the plans.

**Please contact your lawyer/surveyor to discuss future registration of the plan including procedures for Application of Absolute Title/Certification of Titles (these procedures can be very time consuming. Legal and survey advise, along with the Land Registry staff is strongly recommended.*

In accordance with Section 51(17) of the Planning Act the plan must be drawn to scale and show the following:

Title

The following items shall be included in the title block:

- The municipality name, lot and concession number;
- Scale of the plan indicated in metric;
- Date plan was prepared. If the plan has been revised and resubmitted, the original date and dates of any revisions must also be shown;
- Certification of boundaries of land proposed to be subdivided by Ontario Land Surveyor;

Streets

- Location, widths and names of streets within the development and existing streets/highways on which the development abuts

Key Map

- On a small key plan (scale not less than 1cm:100m) show all of land surrounding the development and indicate existing uses of adjoining lands

Proposed Land Use and Density

- Indicate purpose for which the proposed lots are to be used, the number of lots and density of development

Lot Size

- Show approximate dimensions and layout development

Site Features

- Natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, wetlands and wooded areas, significant natural areas, ANSIs, floodplains, swamps, defined top of bank which are within or adjacent to the land proposed to be developed

Water Supply

- Indicate the availability and nature of domestic water supplies, i.e., private or communal wells or municipal water supply

Soils

- Nature and porosity of the soil

Contours

- Existing contours or elevations as may be required to determine grade of roads and drainage of land proposed to be developed

Municipal Services

- Indicate if municipal services (water & sewer) are available to the land proposed for development

Stormwater Management

- The way surface water is to be directed, collected and managed on-site must be determined

Easements, Rights-of-way and Restrictive Covenants

- Nature, location and extent of any restrictions affecting land proposed to be developed

Buildings and Parking

- Show location of buildings, number of storeys
- Show surface parking and access points

Completeness of Application

Within 30 days of receiving the application and fee, the County shall notify the applicant and the clerk of the municipality in which the land is located that all required information has been received or has not been received, as the case may be.

Circulation of Application

Following official receipt of a complete application, the County will circulate the application and plans to the affected local municipalities, agencies, Ministries and authorities in order to obtain comments.

The following is a list of agencies that would generally be given an opportunity to comment on the proposed plan:

- Local School Boards
- Ministry of Municipal Affairs
- Local Conservation Authorities
- Huron County Health Unit
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Natural Resources
- Ministry of Citizenship, Culture and Recreation
- Ministry of the Environment
- Ministry of Transportation
- Telecommunication Suppliers

- Union Gas
- Cable TV Suppliers
- Other agencies, e.g., Ontario Hydro, Municipal Utilities, Railways, Pipeline companies, etc. as required or appropriate.

Public Notice and Meeting

Notice of the application will be circulated to land owners within 120 metres of the land proposed to be developed. Notice of application for approval will be circulated in accordance with the Planning Act. Individuals will be asked to provide comments in writing, with all comments requested before the date that the planner's report is required to be submitted. Comments will be summarized by the planning report, addressed through conditions where appropriate and necessary, and will be provided as an attachment to the planning report. No public meeting is required.

Planning staff will review comments and concerns from the public, as well as reviewing agency comments and requests for conditions. The planner, in consultation with the Municipality and agencies, will recommend conditions to draft plan approval. The planner will prepare a report to the Municipality recommending Municipal Council pass a resolution of support for approval with conditions, deferral or refusal of the application.

The Municipal Clerk will forward this resolution and other materials on to the County of Huron Planning & Development Department.

Draft Plan Approval

Council of the County of Huron is the approval authority for draft plans of subdivision and condominium descriptions.

Following the local public meeting, the materials related to the public meeting are forwarded to the County of Huron. A planner presents the application to a committee of Council and provides a report which lists the recommended conditions and a recommendation as to whether the application should be granted or denied draft approval.

Matters to be considered by the Approval Authority

Under Section 51(24) of the Planning Act, in considering a draft plan of subdivision an approval authority shall have regard, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) The suitability of the land for the purposes for which it is to be subdivided;

- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) The dimensions and shapes of the proposed lots;
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of the Planning Act.

Notice of Decision

The County of Huron will send out a notice of decision of draft approval to the applicant, the municipality, agencies and anyone requesting notice of the decision within 15 days of the decision of County Council.

Right to Appeal

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for details about appeal rights:

<https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

Process to Obtain Final Approval

Following draft plan approval, the process of clearing conditions begins.

Draft Approval Meeting

After obtaining draft approval, the applicant will meet with Municipal staff and the County planner to review draft conditions and discuss the process to clear conditions. It is the responsibility of the applicant to request this meeting.

Clearing Conditions

The approval authority will impose a number of conditions to draft plan approval.

For each condition that is attached to draft plan approval, the notice of decision describes which agency is responsible for clearing the condition. A clearance agency may be the Municipality, the Conservation Authority or utility companies. The applicant is encouraged to work cooperatively with each clearance agency in order to fulfill the conditions of draft approval. The applicant must obtain letters clearing the conditions from the applicable agencies.

For Plans of Subdivision:

Subdivision Agreement

One of the most important conditions that the applicant will have to fulfill is entering into a subdivision agreement with the municipality. A subdivision agreement is a legally binding document that is registered on the title of the land to which it applies and dictates how matters such as servicing, road construction, grading, etc. will be addressed. Final approval of a plan of subdivision cannot occur without the applicant entering into the subdivision with the municipality. The cost to prepare the subdivision is normally born by the applicant. Applicants are required to provide a letter of credit to the Municipality in order to ensure all the obligations outlined in the subdivision agreement are completed.

For Plans of Condominium:

The applicant will have to enter into a similar type of agreement with the Municipality as the subdivision agreement that is registered on title and spells out the details of development.

Changing Conditions and Lapsing

Depending on the work that must be carried out in clearing the conditions, considerable time may lapse between draft approval and final approval. During this time, there may be requests to change the conditions of draft approval. If the changes are considered minor by the approval authority, then no notification is required. If major changes to conditions are required, the approval authority shall give written notice. Major changes in conditions are subject to appeal to the Ontario Land Tribunal.

If the conditions of draft plan approval are not fulfilled within 3 years, draft plan approval can lapse.

Responsibility

The responsibility for fulfilling the conditions of draft approval rests solely with the applicant, as does the timing involved.

Application for Final Approval

When conditions of draft approval have been met the applicant must forward the following information to the County of Huron Planning & Development Department:

- Submit an application to obtain final or phased approval for the plan of subdivision and condominium.
- Copies of all clearance letters received from clearance agencies.
- Final M-plan must be accompanied by a surveyor's certificate setting out the frontages and areas for all of the lots and blocks on the plan.
- Final plan of subdivision stamp or condominium description stamp must be on the appropriate sheets. Please have your surveyor contact the Planning Department for the appropriate wording for the stamp.

If the M-plan submitted to the Planning Department for Final Approval does not match the draft plan approval drawing, final approval will not be granted by the County of Huron. An application for a minor or major revision to the draft plan of subdivision will be required.

The draft M-plan or condominium plan of survey must be reviewed by the Land Registry Office for technical clearance prior to final submission to the County of Huron Planning & Development Department. Failure to obtain technical clearance may delay the registration of the plan/description.

Timing to Obtain Final Approval

If the application for final approval is complete, the County of Huron Planning & Development Department requires a minimum of 2 weeks to process the application and obtain signatures from the approval authority.

Registration of Plan of Subdivision or Condominium Description

Following obtaining final approval, copies of the plan of subdivision and/or condominium plan of survey will be returned to the applicant or agent. The registration of the plan will be carried out by the applicant and registration fees will also be the responsibility of the applicant.

**Please contact your lawyer/surveyor to discuss future registration of the plan including procedures for Application of Absolute Title/Certification of Titles (these procedures can be very time consuming. Legal and survey advise, along with the Land Registry staff is strongly recommended.*

Following Registration – Fulfillment of the Municipal Subdivision/Condominium Agreement

The applicant must fulfill all the requirements and obligations of the agreement that was signed with the Municipality. The development agreement will spell out the timing, payment and responsibility for installation of services and infrastructure.

After the plan has been registered, the applicant can legally start to sell lots or units. The development agreement signed with the municipality will establish what work must be completed before a building permit will be issued. The applicant must provide documentation to the Chief Building Official that the plan and development agreement has been registered at the Land Registry office.

Assistance

If you have questions at any time throughout the application process or if you need to speak to County staff about your application, please contact the County of Huron Planning & Development Department.

Summary

The following table outlines the basic framework of the approval process.

Step	Phase	Description of Phase	Primary Contact During this Phase
1.	Pre-consultation	<ul style="list-style-type: none"> ▪ A pre-consultation meeting with the applicant, municipal staff, county planning staff and affected agencies is required prior to the submission of an application. ▪ Concept plan can be reviewed and required studies will be identified. 	County of Huron Planning & Development Department, Municipality
2	Application	<ul style="list-style-type: none"> ▪ The application form, proposed draft plan and any required background studies are to be submitted to the County of Huron Planning & Development Department. ▪ If the application is incomplete, it will be returned to the applicant for completion, correction or clarification prior to processing. ▪ Payment of application fee required. 	County of Huron Planning & Development Department
3	Circulation	<ul style="list-style-type: none"> ▪ Following receipt of a complete application, the County will circulate the application and plans to the affected local municipalities, agencies, Ministries and authorities in order to obtain comments. 	County of Huron Planning & Development Department
4	Public notice	<ul style="list-style-type: none"> ▪ Notice of application for approval will be circulated in accordance with the Planning Act. 	County of Huron Planning & Development Department
5	Draft Approval	<ul style="list-style-type: none"> ▪ Following the local consideration and recommendation, the application is forwarded to the County of Huron. County Council is the approval authority for plan of subdivisions and condominiums. ▪ A presentation of the application is made, with information on the local recommendation. County Council decides whether to approve, and what conditions should be attached, or deny the application. 	County of Huron Planning & Development Department
6	Notice of Decision	<ul style="list-style-type: none"> ▪ Notice of draft plan decision is sent within 15 days of the decision. ▪ Notice includes a brief explanation of the effect, if any, that the written and oral 	County of Huron Planning & Development Department

Step	Phase	Description of Phase	Primary Contact During this Phase
		<p>submissions received from the public and agencies had on the decision.</p>	
7.A	Alternative Dispute Resolution (ADR)	<ul style="list-style-type: none"> ▪ When a notice of appeal is filed under subsection (39), (43) or (48), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. (51.49.1) 	<p>Huron County Council County of Huron Planning & Development</p>
8	Draft Plan Approval Meeting	<ul style="list-style-type: none"> ▪ After obtaining draft approval, the applicant will meet with Municipal staff and the County planner to review draft conditions and discuss the process to clear conditions. 	<p>County of Huron Planning & Development Department, Municipality, and other Clearance Agencies, as required</p>
9	Fulfilling Conditions	<ul style="list-style-type: none"> ▪ The applicant is encouraged to work cooperatively with each clearance agency in order to fulfill the conditions of draft approval. ▪ A clearance agency may be the Municipality, the Conservation Authority or utility companies. ▪ The applicant must obtain letters clearing the conditions from the applicable agencies. ▪ The applicant enters into a subdivision/condominium agreement with the Municipality. The agreement spells out the details of development. 	<p>Municipality, Conservation Authority, and other Clearance Agencies</p>
10	Application for Final Approval	<ul style="list-style-type: none"> ▪ When conditions of draft approval have been met the applicant must provide the County of Huron Planning & Development Department with clearance letters and required number of plans in order to obtain final approval. ▪ The County of Huron Planning and Development Department requires a minimum of 2 weeks to process the application. 	<p>County of Huron Planning & Development Department</p>

Step	Phase	Description of Phase	Primary Contact During this Phase
11	Registration	<ul style="list-style-type: none"> ▪ Following obtaining final approval, copies of the plan of subdivision and condominium plan of survey will be returned to the applicant or agent. The registration of the plan will be carried out by the applicant and registration fees will also be the responsibility of the applicant. 	Land Registry Office
12	Fulfillment of the Municipal Subdivision/ Condominium Agreement	<ul style="list-style-type: none"> ▪ The applicant must fulfill all the requirements and obligations of the development agreement that was signed with the Municipality. 	Municipality

Subdivision and Condominium Applications

Sample Notices



Notice of Complete Application and Public Access and Particulars

Application for Draft Plan of Subdivision in the Township of

[Insert: Municipality]

The County of Huron received an application to subdivide parcels of land in the [INSERT: Municipality]. In accordance with the requirements of Section 51 of the Planning Act, you are being advised of this application as you are either an agency requiring circulation, a tenant, or a landowner within 120 metres of the subject property.

[IF RELEVANT: There is a corresponding Zoning By-law Amendment / Official Plan Amendment.]

The County of Huron and the [Insert: Municipality] considered these applications to be complete on November 30th, 2021.

Applicant:

Owners:

File Number: Plan of Subdivision 40T#####

Location: [Legal Description] [Municipal Address]. See attached maps for location and details.

Purpose & Effect:

The purpose of the draft plan of subdivision application is

Planning Policies: The subject property is designated [insert]. The property is zoned [insert].

Additional Information: For more information on these applications, please contact (Planner), at (email_address) or by phone at 1-519-524-8394 ext. 3.

How to Comment:

Please send comments in writing to the Huron County Planning & Development Department by (date) day of (month) (year)

Comments can be sent in writing by mail or email to:

Huron County Planning & Development
57 Napier St, 2nd Fl
Goderich ON N7A 1W2
Phone: 519-524-8394 ext. 3

Toll free: 1-888-524-8394 ext. 3

Email: lfinch@huroncounty.ca

Please refer to the file number and applicant in all correspondence and be aware your comments will become part of the public record.

How to be Notified:

If you wish to be notified of the decision on the proposed draft Plan of Subdivision: -You must make a written request to:

Susan Cronin, Clerk c/o Lisa Finch
Huron County Planning & Development
57 Napier St, 2nd Fl
Goderich ON N7A 1W2
Phone: 519-524-8394 ext. 3
Toll free: 1-888-524-8394 ext. 3
Email: lfinch@huroncounty.ca

Be Advised: Following the notice of decision, there will be a 20 day appeal period.

Members of the public do not have the right to appeal; only the applicant, the local municipality, a public body, a specified person under the Planning Act, and the Minister of Municipal Affairs and Housing may appeal decisions. Please refer to the County of Huron website for details about appeal rights: <https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

Dated at the County of Huron on this Day of Month, Year.

Susan Cronin, Clerk c/o Lisa Finch
Huron County Planning & Development
57 Napier St, 2nd Fl
Goderich ON N7A 1W2
Phone: 519-524-8394 ext. 3
Toll free: 1-888-524-8394 ext. 3
Email: lfinch@huroncounty.ca



Notice of Decision

Concerning a Draft Plan of Subdivision in the Municipality of (Name of Municipality)

Owner/Applicant: (name)

File Number: (file number)

Location: (legal description of land), (name of ward), (name of municipality)

The Council of the Corporation of the County of Huron granted approval to draft plan of subdivision (plan number e.g. 40T10001) on (month) (date), (year) pursuant to Section 51 of the Planning Act, subject to the attached terms and conditions.

Notice of Appeal

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for details about appeal rights:

<https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

An appeal to the Ontario Land Tribunal (OLT) must be submitted within twenty days of the notice of the decision, by filing a notice of appeal to Susan Cronin, County Clerk, County of Huron, 1 Courthouse, Square, Goderich, On N7A 1M2. You must outline the reasons for the appeal and include the appellant Form (A1) which is available at:

<https://olt.gov.on.ca/appeals-process/forms/> for each application appealed. The fee required by the Ontario Land Tribunal is \$ 1,100.00. **The last day for filing an appeal is xxxx, 2023.**

Change of Conditions

The approval authority may, prior to the lapsing date, change a condition(s) of the draft plan of subdivision approval. You will receive notice of any major changes to the conditions of the draft plan of subdivision approval if you have made a written request. The process of changing a condition to the draft plan of subdivision approval will involve another twenty day appeal period, unless the approval authority considers the change to be minor in nature.

Additional Information relating to the draft plan of subdivision is available for inspection during regular office hours at the (name of municipality) Municipal Office, (address of municipal office) and the County of Huron Planning and Development Department (57 Napier Street, Goderich, 2nd floor).

Dated at the County of Huron
This (date) day of (month), (year).

(Name), County Clerk
County of Huron
1 Court House Square
Goderich, ON N7A 1M2

Plan of Subdivision Description

(Include a Description)

(Include a Copy of Decision and Conditions)

(If known, list any other planning applications that apply to the land being subdivided)

Effect of Written and Oral Submissions

<<<insert a brief description of the effect, if any, that the written and oral submissions relating to the application that were made to Council had on the decision>>>

File:

Owner/Applicant:

Township/Municipality of

Location:

Date of Draft Approval:

The application for subdivision 40Txxxxx has been circulated according to the requirements of the Planning Act R.S.O. 1990.

And the application affects an area designated for residential development in the Township/Municipality of xx Official Plan

Therefore the Council of the Corporation of the County of Huron hereby issues draft approval to file 40Txxxxx which applies to (address) in the Township/Municipality of . The following conditions, amendments and administration requirements to final approval for registration of this subdivision File 40Txxxxx are as follows (the following conditions must be met prior to final approval):

Conditions:



The Corporation of the County of Huron

Notice of No Appeals

Under Section 51 (42)
of *The Planning Act*, R.S.O. 1990

Number File number)

Owner/Applicant: (Name)

Location:(Legal Description), (Ward)
(Name of Municipality)

Declaration

I, _____, Clerk of the County of Huron hereby declare that the notice for Plan of Subdivision (plan of subdivision number), which was approved with draft plan conditions by the Council of the County of Huron on (month) (date), (year), was given in a manner and form to the prescribed persons or public bodies as required by Section 51(37) of *The Planning Act*, R.S.O. 1990.

I also declare that the twenty (20) day appeal period expired on (Month) (Date), (year) and to this date no notice of appeal of (plan of subdivision number) has been filed.

In accordance with Section 51(41), the decision of the County of Huron to approve Plan of Subdivision (plan of subdivision number) with conditions shall be deemed to have been made on (month) (date), (year), the day after the last day for appealing the decision.

The conditions of draft plan approval for file (plan of subdivision number) are attached to this notice.

(name of County Clerk), Clerk

Dated at the County of Huron
this (date) day of (month), (year).

Plan of Subdivision Description

(Insert description from notice of decision)

Deeming By-law and A By-law to Deem Lots not to be Lots in a Plan of Subdivision (Repealing a Deeming By-law)

(Section 50(4) of the Planning Act RSO, 1990)

Introduction

The Council of a local municipality may by by-law deem any plan of subdivision, or part thereof that has been registered for eight years or more not to be a registered plan of subdivision.

The result of passing such a by-law is that a property owner cannot sell/build on individual lots without either obtaining a severance or a decision by council to repeal the initial deeming by-law.

Passing a deeming by-law does not eradicate the underlying plan of subdivision, but rather “freezes” the lots from being sold individually. At some point in the future, Council could decide to repeal the deeming by-law and allow for the lots in a plan of subdivision to be sold individually again.

There are certain circumstances the municipality may wish to impose a deeming by-law on undeveloped lots in a plan of subdivision (e.g. when there are servicing capacity constraints that make it difficult to service lots in an old plan of subdivision). There may be circumstances when individuals own two or more lots in a plan of subdivision request to have their lots deemed (e.g. an individual owns two small/undersized lots in a recreational area that were created by a plan of subdivision – they can treat the two lots as one building lot and build over the lot line if the lots are deemed not be lots in a plan of subdivision. When lots are deemed not to be lots in a plan of subdivision and are in identical ownership the lots merge and can be treated as one building lot.)

The deeming by-law is passed pursuant to Section 50(4) of the Planning Act and is subject to the provisions of Section 50(26) through to 50(30).

Repealing of a Deeming By-law

The council of a local municipality may repeal the deeming by-law and the lots that had previously been deemed to not be in a plan of subdivision would return to the original plan of subdivision and may be sold or built on individually again.

Process

Complete Application

- If the process is being initiated by a landowner, the applicant shall complete the relevant application form and submit the appropriate fee to the Municipality. If the process is being initiated by the municipality, no fee or application form is required.
- The ownership and legal description of the subject properties shall be reviewed to ensure the lots are registered in identical ownership and the lots to be deemed are

complete lots in a plan of subdivision that has been registered for a period longer than eight years.

By-law

- See **sample**
- Draft the by-law to deem the lots not to be lots in a registered plan of subdivision or the by-law to repeal the previous by-law that deems the lots not to be lots in a registered plan of subdivision (Municipalities may request that the applicant's lawyer draft the by-law).
- Present the by-law for consideration to council.

Notification of Landowner(s) [Section 50(29)]

No notice or public meeting is required before council passes or repeals a deeming by-law, but council shall give notice of the passing of the by-law within thirty days to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies.

Notice & Registration

Following the passing of the by-law:

- Send notice and a copy of the by-law to the property owners of the subject land within 30 days of the by-law passing and instruct them that they have 20 days from the date of mailing to make representations to Council respecting the amendment or repealing of the by-law.
- When 20 days have expired, send the owners(s) 3 certified copies of the By-law and request that they instruct their lawyer to have the by-law registered on title at the Land Registry Office and that a copy of the registered by-law be returned to the municipal clerk.
- Send a certified copy or duplicate of the by-law to:
 - Chief Building Official (*place a copy of the by-law in the property file*)
 - Minister of Municipal Affairs
 - Huron County Clerk
 - Huron County Planning Department
 - Assessment Office

Hearing by Council [Section 50(30)]

Council shall hear in person or by an agent any person to whom a notice of passing a deeming by-law was sent, who within 20 days of the mailing of the notice gives notice to the clerk of the municipality that the person desires to make representations respecting the amendment or repeal of the by-law.

Date By-law is Effective [Section 50(27) (28)]

The deeming by-law or repealing of the deeming by-law is not effective until the by-law has been registered at the Land Registry Office.

Part Lot Control Exemption

(Section 50(7) of the Planning Act RSO, 1990)

Introduction

Section 50(7) of the Planning Act sets out the authority for exempting land that is within a registered plan or plans of subdivision from part lot control (section 50(5) of the Planning Act).

A municipality may pass a by-law exempting land that is within a registered plan of subdivision from part lot control. The municipality must forward the by-law to the County of Huron, as the County is the approval authority for plans of subdivision and part lot control exemption by-laws.

A by-law that is approved under section 50(7) of the Planning Act should provide a time period after which the by-law expires.

The council of a local municipality may, without approval from the County of Huron, amend the by-law to extend the time period specified for the expiration of the exemption from part lot control.

Process [Section 50 (7)]

1. Applicant circulates a draft copy of the survey showing the parts on the reference plan to the Municipality for review, prior to registration at the Land Registry Office.
2. Applicant circulates a draft copy of the part lot control by-law, prepared by the applicant's lawyer to the Municipality for review.
3. Municipal staff will advise the applicant's surveyor and lawyer whether the survey is suitable for registration as the reference plan and part lot control by-law are satisfactory or whether any changes are required.
4. The applicant/agent completes the Part Lot Control By-law Application form and submits it with the appropriate fee payment to the Municipality.

Materials to Be Submitted with Application

- 1 electronic and 1 paper copy of the part lot control by-law, prepared by the applicant's lawyer
 - 1 electronic and 1 paper copy of the registered reference plan
5. Municipal Staff will review the Part Lot Control By-law Application for completeness. Provided the application can be considered complete, the application will be scheduled onto the Municipal Council Meeting agenda.
 6. Municipal Staff will prepare the "Exemption from Part Lot Control By-law". **See sample**

Part Lot Control Exemption

7. Staff will present the application and part lot control by-law to Municipal Council. To ensure that the provisions of the Planning Act are placed back on the subject lands, the Part Lot Control By-law shall include a date when the by-law shall be repealed. This repeal date is added to the By-law when it is passed by Municipal Council. Generally, the date of repeal is 3 months after the date that the By-law is passed by the County.
8. If Municipal Council provides initial approval of the part lot control by-law, the by-law is then sent on to the County of Huron for review and final approval.
9. The Part Lot Control By-law will be reviewed by the Director of the County Planning & Development Department. Final approval is granted by the County's Director of Planning & Development or in the Director's absence, the Manager of Planning or a Senior Planner.
10. Once the by-law is executed at the County level, all copies of the part lot control by-law are returned to the Municipal Clerk who then forwards it to the applicant's lawyer asking that the by-law be registered at the Land Registry Office, and proof of registration provided to the Clerk.
11. When the by-law is registered, the Reference Plan becomes effective and transactions of property can be based on this Reference Plan.

Note:

Any subdivision agreement or site plan agreement and/or rezoning must be done prior to making application for Exemption from Part Lot Control.

Following Approval of Part Lot Control By-law

Between the date that the by-law is passed and the date of repeal, the applicant must:

- Ensure that the part lot control by-law is registered on title of the land to which it applies;
- Provide confirmation to the Clerk of the Municipality that the part lot control by-law is registered,
- Draw up and register deeds for the new parcels of land at the Land Registry Office;
- Ensure ownership on each new parcel is such that the properties do not merge on title once the Exemption from Part Lot Control By-law is repealed

Deeming By-law & Part Lot Control Exemption Sample Notices

Deeming By-Law

Corporation of the Municipality Of _____

By-Law # -(year)

“Being a By-law to deem registered plans not to be registered.”

Whereas Section 50(4) of the Planning Act, R.S.O. 1990, as amended, authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a plan of subdivision for subdivision control purposes;

And Whereas it is deemed expedient, in order to adequately control the development of land in the municipality, that a by-law be enacted pursuant to the said Section 50(4);

Now Therefore, Council of the Corporation of the Municipality of _____ enacts as follows:

1. That the plans of subdivision or parts of subdivision described as follows are hereby designated to be plans of subdivision or parts thereof, which shall be deemed not to be registered plans of subdivision for the purpose of Subsection 3 of Section 50 of the Planning Act.
2. That the area is identified on the drawing attached as Schedule, 'A' which forms part of this by-law.
3. That the area is comprised of Lots ___ and ___, Plan ___, _____ Ward, Municipality of _____.
4. That this by-law shall be registered in the appropriate land registry office.

This by-law shall come into force and effect upon the date of final passing.

Read a First and Second Time _____, -(year)

Read a Third Time and Finally Passed _____, -(year)

Mayor

_____,
Clerk

Repealing a Deeming By-Law

Corporation of the Municipality of (Name of Municipality)

By-Law #

“Being a by-law to rescind By-law # (by-law to be repealed) which deemed Lots inclusive, Registered Plan , Municipality of (name of municipality), County of Huron.”

Whereas Council of the Municipality of (name of municipality) passed By-law # on the day of (month), (year) to designate Lots inclusive of Registered Plan , Municipality of (name of municipality), County of Huron to be plans of subdivision or parts thereof deemed not to be registered plans of subdivision for the purpose of subdivision control as set out under Section 50(3) of the Planning Act;

And Whereas (landowner) (the owner) has applied to have By-law # (by-law to be repealed) repealed in order to develop these lands as building lots;

Now Therefore Council of the Corporation of the Municipality of (name of municipality) enacts as follows:

1. THAT By-law # (By-Law to be Repealed) is hereby repealed.
2. THAT this By-law shall be registered in the proper land registry office by the applicant or his agent and at the applicant’s expense.
3. THAT this By-law takes effect upon the date of final passing.

Read a First and Second Time this day of , 20

Read a Third Time and Finally Passed this day of , 20

Mayor/ Reeve

Clerk

Exemption from Part Lot Control By-Law

The Corporation of the Municipality of (Name of Municipality)

By-Law No. _____ . - (Year)

"Being a By-law to declare that certain land is not subject to Part Lot Control (Lot _____ Registered Plan _____, Municipality of _____, County of Huron).

WHEREAS pursuant to subsection 50(7) of the Planning Act and the written request from _____, it is deemed to exempt from Part Lot Control the lands described as Lot _____, Registered Plan _____, being Part(s) _____ on Reference Plan 22R-_____.

Now Therefore, Council of The Corporation of The Municipality of _____ ENACTS as follows:

1. The lands described as Lot _____, Registered Plan _____, being Part(s) _____ on Reference Plan 22R-_____ are hereby exempted from Part Lot Control pursuant to Subsection 50(7) of the Planning Act for the sole purpose of Part(s) _____ on Reference Plan 22R-_____ becoming legally conveyable parcels.
2. This By-law comes into force and effect when it is approved by the County of Huron and will remain in effect until (month, day, year) upon which date the By-law is hereby repealed.

Read a first and second time this _____ day of _____, (year)

Read a third time and finally passed this _____ day of _____, (year).

_____, Mayor

_____, Clerk

Pursuant to the County of Huron By-Law 2022-032, this by-law, having met the criteria for Part Lot Control exemption, is hereby APPROVED under Section 50(7) of the Planning Act, R.S.O. 1990, as amended.

Sandra Weber, Director of Planning & Development
County of Huron

Date

Validation Certificate

(Section 57 the Planning Act RSO, 1990 as amended and Ontario Regulation 144/95 as amended)

Introduction

Section 57 of the Planning Act grants County Council the authority to validate retroactively a previous transaction of a parcel of land which contravened the Planning Act. The application does not create a new lot and there is no severed or retained parcel. The validation certificate will result in a valid document that relates to an already recognized separate parcel of land.

Process

- Land Division Administrator (LDA) receives application and fee (same application form and fee as a Consent application) and determines if application is complete, assigns C# and enters information in tracking database;
- LDA circulates application to Planner;
- LDA circulates Notice of Application to municipality requesting the application be placed on their next available Council meeting agenda for comment (Note: The Planning Act does not require notice to be circulated to agencies, the public/neighbours, and no sign is required to be posted on the property);
- Planner conducts site visit and prepares Planning Report for Municipal Council;
- Municipal Council makes recommendation (approval, deferral, or denial) and notifies LDA; (Generally, there are no conditions attached to a Validation Certificate, however, the Planning Act does allow Council to impose conditions if required. The PIN header/description is used and a survey is not required);

In considering whether to issue a certificate under Section 57 of the Planning Act, Council shall have regard to the following:

- Matters described under Section 51(24) of the Planning Act;
- Planner prepares a report for the Director of Planning & Development, including the recommendation and any conditions requested by the local municipality;
- The Director or in the Director's absence, the Manager of Planning or a Senior Planner approves decision;
- There is no right of appeal and no appeal period;
- LDA prepares the Validation Certificate and forwards to applicant's Solicitor for review;
- 2 copies of final Validation Certificate are provided to applicant's Solicitor to be imported into document to be registered. 2 copies are placed in the Department file.
- Solicitor provides copy of registered documentation to close the file.

Sample Validation Certificate

Planning Act

Section 57

Certificate of Validation of Title

A contravention of Section 50 Planning Act, R.S.O. 1990, c.P.13, or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the Planning Act as it reads on the 25th day of June 1970, being chapter 296 of the Revised Statues of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows:

Enter description from Pin Header

Being (enter Pin #)

This Certificate of Validation is issued in accordance with Section 57 of the Planning Act, R.S.O. 1990, c.P.13. as amended, and decision of Huron County Council dated (enter date).

Dated at the

Town of Goderich

County of Huron

This ## day of , 20xx _____

Lisa Finch, Land Division Administrator

County of Huron Consent Granting Authority

Appeals to the Ontario Land Tribunal

Introduction

In addition to the applicant, only those who made written or oral submissions at the public meeting or hearing for a planning application are normally permitted to appeal. The Notice of Passing or Notice of Decision lists the last date for filing appeals.

*Refer to the OLT Website for the most up to date information regarding Appeals

The Ontario Land Tribunal

Appeals

The Appellant must complete the appropriate Appellant Form. Depending on the type of application being appealed, the form must be submitted to the Clerk of the approval authority or the OLT directly.

Type of Application	Appellant Form	Where to Submit
Minor variance, consent,	A1 Appellant Form *members of the public do not have the right to appeal, please refer to the <u>disputed consent section</u> of this document for more information	Municipality or approval authority
zoning by-law or zoning by-law amendment, interim control by-law, official plan or official plan amendment, or plan of subdivision.	A1 Appellant Form	Municipality or approval authority.
Removal of a 'Holding Symbol' where the municipality refused the application or failed to make a decision within 120 days.	A1 Zoning By-law Amendment: Holding Symbol Appellant Form	OLT directly.
Site Plans	O2 Site Plan Appellant Form	OLT directly.
Demolition Permits	O3 Demolition Permit Appellant Form	OLT directly.

Municipal Responsibilities

The municipality must complete the appropriate Municipal Submission Form and send this to the OLT within 15 days after the last day of the appeal period. The form and other required documents must also be submitted by the Clerk (see last page of the form for list of supporting documentation required).

For appeals related to official plans, zoning by-laws, subdivisions and consents, the Municipality or the County (depending on whose decision is being appealed) may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute and where notice is given of the use of one of these alternative dispute resolution techniques the 15 day period for forwarding material to the OLT is extended to 75 days.

Grounds for Dismissing an Appeal

- The Board may dismiss an appeal without a hearing, but only after giving the Appellant an opportunity to make representations as to the merits of the appeal. Grounds for dismissing an appeal include the following:
 - a. Reasons set out in notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal;
 - b. Appeal is not made in good faith or is frivolous or vexatious;
 - c. Appeal made only for the purpose of delay;
 - d. Appellant has persistently and without reasonable ground commenced before the Board proceedings that constitute an abuse of process;
 - e. Appellant has not provided written reasons for the appeal;
 - f. Appellant has not paid the appeal fee;
 - g. Appellant has not responded to a request by the Board for further information within the time specified by the Board.

Hearing Outcome

- If a hearing is held, the OLT can:
 - dismiss the appeal; or
 - allow the appeal in whole or in part; or
 - repeal the by-law in whole or in part; or
 - amend the by-law; or
 - direct Council to repeal the by-law in whole or in part; or
 - direct Council to amend the by-law in accordance with the Board's order.

Costs

Planning application forms have a disclaimer that applicants may be responsible for some or all of the legal and other costs incurred by the County or Municipality, at the discretion of the County or Municipality. For appeals involving multiple municipalities or agencies, a Council resolution or agreement may be made regarding the details of any cost sharing for legal and other costs.

Final Decision

The decision by the OLT is final unless a party believes that the Board erred on a point of law in which case an appeal to the Court is a possibility (but only on the point of law).

Other Resources

In addition to the information provided in this document, the following links can provide more detailed and current information:

[Ministry of Municipal Affairs and Housing Citizen’s Guide to Land Use Planning](#)

[Ministry of Municipal Affairs and Housing Planning and Application Resource Centre](#)

[The Ontario Land Tribunal](#)

[The Ontario *Planning Act*, R.S.O 1990](#)

[The Ontario *Provincial Policy Statement*](#)

Sign Posting for Notice of Application

Official Plan Amendment

Subdivision / Condominium

Consent

Zoning By-Law Amendment

Minor Variance

Notice of Application under the Planning Act

Application Type & No.: _____

Public Meeting / Hearing: _____
(date, time, location)

Purpose and Effect:

*Additional Information is available for Public Inspection during normal business hours at the
_____ Municipal Office
Address & Phone Number*

**For more information about this matter, including information about preserving your Appeal Rights,
contact the Municipal Office.**