

BILD Members,

To assist members' understanding of **Bill 189, Coronavirus Support and Protection Act, 2020 and Regulation 149/20: Special Rules Relating to Declared Emergency**, related to timelines prescribed under the *Planning Act* and *City of Toronto Act, 2006*, Cassels Brock & Blackwell LLP has prepared [this plain-language document](#) explaining how these certain statutory timelines may proceed despite Regulation 73/20 made under the *Emergency Management and Civil Protection Act*.

As noted in the document, Regulation 149/20 provides municipalities with additional flexibility during the COVID-19 emergency to process and advance development applications, particularly where there is no dispute, without concern that appeals may be filed on the basis of non-decision. This should come as welcome news to both applicants and new home buyers who have faced technical challenges to project delivery and new home closings during this emergency.

The statutory timelines under the *Planning Act* that are no longer suspended during the COVID-19 emergency include, but are not limited to:

- Appeal periods to the Local Planning Appeal Tribunal (LPAT) with respect to the approval of zoning by-laws, and approval or refusal of official plans, official plan amendments, zoning by-law amendments, draft plan of subdivision, minor variance and consent applications, and community planning permits;
- Appeal periods with respect to consent conditions or changes thereto;
- Appeal periods with respect to draft plan conditions or lapsing provisions;
- Lapsing of draft plan approval;
- Applications to Council for relief from demolition permit conditions; and,
- Appeal periods with respect to the passing of interim-control by-laws.

This will allow certain applications to be approved, and where there is no appeal, come into force.

However, in the event of an appeal, timelines will be suspended. Members should refer to [the document prepared by Cassels Brocks](#) for additional information around suspended timelines as well as consult with their legal counsel regarding how this may or may not affect your specific applications or appeals.

The Regulation also impacts notice requirements for various planning applications and mechanisms. Notices of decision issued on or after February 26, 2020 and before April 15, 2020 are to be issued again, no later than 15 day after the COVID-19 emergency is terminated. There are additional notice requirements for decisions that were made on or after March 2, 2020 and before April 15, 2020 for adoption of official plans, official plan amendments, zoning by-laws, zoning by-law amendments, draft plans of subdivision, consent applications and community planning permits.

BILD members are strongly encouraged to contact their respective municipality to ensure that these notices are being reissued in a timely manner.

The Regulation also provides specific notice requirements for Committee of Adjustment decisions made on or after February 26, 2020 and before April 15, 2020.

Please refer to [the Regulation text](#) for full details.

As mentioned below, BILD members are strongly encouraged to consult their legal counsel regarding how this may or may not affect your specific applications or appeals.