

In addition to the below, the Ministry of Municipal Affairs and Housing (MMAH) has provided additional clarification on Regulation 149/20: Special Rules Relating to Declared Emergency on the Environment Registry of Ontario (ERO), accessible [here](#).

In the ERO posting, MMAH explains that Ontario Regulation 149/20 clarifies that O. Reg. 73/20 under the *Emergency Management and Civil Protection Act* does not apply to land use planning timelines.

Regulation 149/20 provides for those notices of municipal decisions and related appeal periods that may have been interrupted by the issuance of O. Reg. 73/20 to be restarted so that those decisions may be finalized. Specifically, the regulation:

- provides for municipalities to re-issue notices of council's or committee of adjustment's decisions on planning matters, allowing for the appeal periods to complete, and
- allows up to 15 days after the emergency ends for notices of most decisions to be issued, and up to 10 days after the emergency ends for notices of minor variance decisions to be issued.

The regulation also clarifies that any appeals related to notices of decisions that may have been received during these interrupted appeal periods continue to be valid.

Ontario Regulation 149/20 under the *Planning Act* identifies those specified planning timelines that are effectively suspended in order to support municipal emergency response activities. This regulation effectively suspends a number of timelines including those that, once exceeded, allow proponents to appeal non-decisions on specified applications. These are as follows:

- Official plan amendment (OPA): 120 days
- Zoning by-law amendment (ZBLA): 90 days
- Combined OPA and ZBLA: 120 days
- Holding by-law: 90 days
- Plan of subdivision: 120 days
- Consent: 90 days
- Site plan (including under the *City of Toronto Act, 2006*): 30 days
- Community planning permit: 45 days
- Demolition permits: 30 days

The regulation also effectively suspends the following processing / administrative timelines in the *Planning Act*:

- a municipality to send a record to the Local Planning Appeal Tribunal (15 days from the end of the appeal period)
- a municipality to send an adopted official plan/amendment to the approval authority (15 days from adoption)
- a committee of adjustment to hold a hearing on a minor variance (30 days from receipt of application)
- complete applications, which includes:
 - a municipality to advise applicant whether application (certain types only) is complete (30 days from payment of fee)
 - an applicant's ability to challenge municipal determination of completeness (30 days from municipal confirmation that it is incomplete)
 - the related public notice of the receipt of the complete application (15 days from confirmation that it is complete)
- interim control by-law (but only in relation to those in effect when the emergency began):
 - to be in effect for a limit of 1 year

- extensions cannot exceed a total of 2 years from the date it came into effect
- an applicant to pay under protest for:
 - parkland cash-in-lieu payments (30 days from payment) and to notify the municipality of the protest (15 days after application to Tribunal)
 - a fee for the processing of a planning application (30 days)
- an applicant to:
 - satisfy the conditions for a provisional consent (1 year from the date of notice of the consent)
 - complete the transaction for a consent (2 years from consent certificate being given)
 - register a plan of subdivision (30 days from final approval)

For any appeals filed appealing a municipality's lack of decision during the period from the declaration of the emergency (March 17, 2020) to the filing of O. Reg. 149/20 in respect of applications that would have passed the relevant timeline on or after March 17, 2020, the regulation stipulates that those appeals are not valid.

Finally, the regulation also provides that any interim control by-law that was in effect during the emergency is extended by the time of the emergency.

Collectively, these changes provide municipalities with the ability to hold off on making decisions on planning applications until after the emergency has ended, without the risk of appeal to the Local Planning Appeal Tribunal (LPAT) should they not make decisions on planning matters within the legislated timelines. If municipalities wish to make decisions on applications during this time, they are free to do so.

As a friendly reminder, members are strongly encouraged to consult with their legal counsel as well as respective municipality to determine how this may or may not affect your specific applications or appeals. Please refer to MMAH's [ERO clarification](#) for full details.