

Summary of Bill 108 *Planning Act* Transition Regulation

A Tribunal hearing referred to in this summary, for the purposes of the transition regulation, does not include a case management conference, pre-hearing conference, preliminary hearing, settlement conference, motion or other hearing event held to consider preliminary matters. A Tribunal hearing only refers to a hearing at which evidence regarding the merits of the matters before the Tribunal is to be considered.

The key timelines are as follows:

Official Plan

Non-decision appeal timelines:

Bill 108 shortens the length of time an applicant for an Official Plan amendment (“OPA”) request must wait before filing an appeal of a failure of council to make a decision from 210 to 120 days.

A request for an OPA (i.e. an OPA application) that was received after December 12, 2017 and on or before June 6, 2019 will still be subject to the Bill 139 timeline of 210 days.

A request for an OPA that was received after June 6, 2019 but before September 3, 2019 will be subject to the Bill 108 timeline of 120 days.

The following appeals will continue to fall under the Bill 139 rules:

1. Official Plan appeals under ss. 17(24), 17(36), or 22(7) that, as of September 2, 2019, have had a Tribunal hearing scheduled whereby:
 - Notice of appeal was filed before September 3, 2019; and
 - Notice of Council decision was given before April 3, 2018 and is in respect of an Official Plan or OPA adopted or requested after December 12, 2017; or
 - Notice of Council decision was given on or after April 3, 2018 and before September 3, 2019
 - In the event of a non-decision by Council, the notice of appeal was filed on or after April 3, 2018 and before September 3, 2019
2. Official Plan appeals under ss. 17(40) that, as of September 2, 2019, have had a Tribunal hearing scheduled whereby:
 - Notice of appeal was filed before, on, or after April 3, 2018; and

- The appeal is not in relation to an Official Plan, an amendment to it, or a repeal of it that was the subject of another appeal under s. 17(40) where notice of appeal was given before April 3, 2018

The following appeals will be given an opportunity to provide a new notice of appeal to be adjudicated under the new rules:

Official Plan appeals under s. 17(24) or 17(36) that as of September 2, 2019, do not have a Tribunal hearing scheduled whereby:

- Notice of appeal was filed before September 3, 2019; and
- Notice of Council decision was given before April 3, 2018 and is in respect of an Official Plan or OPA adopted or requested after December 12, 2017; or
- Notice of Council decision was filed on or after April 3, 2018 and before September 3, 2019

The Tribunal must notify every appellant in the aforementioned appeals before the later of 15 days following receipt of the appeal record and September 3, 2019 that they may provide a new notice of appeal to the Tribunal under the new rules within 20 days. There will be no fee associated with providing a new notice of appeal.

Zoning By-law

Non-decision appeal timelines:

Bill 108 shortens the length of time an applicant for a Zoning By-law Amendment (“ZBLA”) must wait before filing an appeal of a failure of council to make a decision from 150 to 90 days. If the ZBLA also requires an OPA, the length of time is shortened from 210 to 120 days.

A request for a ZBLA that was received after December 12, 2017 and on or before June 6, 2019 will be subject to the Bill 139 timeline of 150 or 210 days.

A request for a ZBLA that was received after June 6, 2019 but before September 3, 2019 will be subject to the Bill 108 timeline of 90 or 120 days.

The following appeals will continue to fall under the Bill 139 rules:

Zoning By-law appeals under ss. 34(11) or 34(19) that as of September 2, 2019, have had a Tribunal hearing scheduled whereby:

- Notice of appeal was filed before September 3, 2019; and
 - Notice of Council decision was given before April 3, 2018 and is in respect of a Zoning By-law or Zoning By-law Amendment passed or requested

after December 12, 2017; or

- Notice of Council decision was given on or after April 3, 2018 and before September 3, 2019
- In the event of a non-decision by Council, the notice of appeal was filed on or after April 3, 2018 and before September 3, 2019

The following appeals will be given an opportunity to provide a new notice of appeal to be adjudicated under the new rules:

Zoning By-law appeals under ss. 34(19) that, as of September 2, 2019, do not have a Tribunal hearing scheduled whereby:

- Notice of appeal was filed before September 3, 2019; and
- Notice of Council decision was given before April 3, 2018 and is in respect of a Zoning By-law or Zoning By-law Amendment passed or requested after December 12, 2017; or
- Notice of Council decision was given on or after April 3, 2018 and before September 3, 2019

The Tribunal must notify every appellant in the aforementioned appeals before the later of 15 days following receipt of the appeal record and September 3, 2019 that they may provide a new notice of appeal to the Tribunal under the new rules within 20 days. There will be no fee associated with providing a new notice of appeal.

Plans of Subdivision

Non-decision appeal timelines:

Bill 108 shortens the length of time an applicant for a Plan of Subdivision must wait before filing an appeal of a failure of council to make a decision from 180 to 120 days.

An application for approval of a Plan of Subdivision that was received after December 12, 2017 and on or before June 6, 2019 will be subject to the Bill 139 timeline of 180 days.

An application for approval of a Plan of Subdivision that was received after June 6, 2019 but before September 3, 2019 will be subject to the Bill 108 timeline of 120 days.

The following appeals will continue to fall under the Bill 139 rules:

1. Plan of Subdivision appeals under ss. 51(39) or 51(48) whereby:
 - Notice of decision was given before September 3, 2019
2. Plan of Subdivision appeals under s. 51(43) whereby:

- Notice of appeal was filed before September 3, 2019