



# Corporate Report

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**DATE:** July 12, 2005

**TO:** Chairman and Members of Planning and Development Committee  
Meeting Date: August 2, 2005

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Bill 136, *The Places to Grow Act, 2005***

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**RECOMMENDATION:** That the report titled "*Bill 136, The Places to Grow Act, 2005*" dated July 12, 2005, from the Commissioner of Planning and Building be received for information.

**BACKGROUND:** On June 13, 2005, Bill 136, *The Places to Grow Act, 2005* (Appendix 1) received Royal Assent. The act provides the legal framework necessary for the Provincial government to designate any geographic area of the province as a growth plan area and develop a growth plan following a consultation process with local officials and stakeholders.

Bill 136 enables the Provincial government to plan for population growth, economic expansion and the protection of the environment, agricultural lands and other valuable resources in a co-ordinated approach to land use planning. Further, it permits the government to link infrastructure development with capital spending and financing, and co-ordinates this with planning and development among municipalities.

The legislation allows for a growth plan to be developed for any part of Ontario. The first growth plan under Bill 136 is anticipated to be the Greater Golden Horseshoe Growth Plan (GGHGP).

On December 15, 2004, Bill 136 was previously considered after first reading, by City Council, when it considered the attached (Appendix 2) report titled “Bill 136, *The Places to Grow Act, 2004* dated November 16, 2004 from the Commissioner of Planning and Building and adopted the following:

“That the report titled “Bill 136, *The Places to Grow Act, 2004*” dated November 16, 2004 from the Commissioner of Planning and Building be adopted and forwarded by the City Clerk, under a covering letter signed by Mayor McCallion, to the Ministry of Public Infrastructure Renewal and the Ministry of Municipal Affairs and Housing, subject to the following amendment:

- That the City of Mississauga strongly requests that the responsibility for growth forecasts, the identification of targets for intensification and redevelopment, and the identification of minimum densities in policy 1.3.3 of the Draft Provincial Policy Statement be assigned solely to lower tier governments or, failing this, that the Draft Provincial Policy Statement be amended to permit upper-tier governments to delegate the responsibilities described in subsection 1.3.3 (a) to (d) to area municipalities”.

**PRESENT STATUS:** Bill 136, *The Places to Grow Act, 2005* came into force on the day it received Royal Assent, June 13, 2005.

**COMMENTS:** **1. Changes to Bill 136**

Bill 136, *The Places to Grow Act 2005*, is similar to the former version of the Bill which was considered by City Council in December, 2004. There are amendments with respect to: the contents of a growth plan; the deadline for amendments to official plans to conform to growth plans; and delegation of powers by the Minister of Public Infrastructure Renewal.

(a) Contents of a Growth Plan

Previously at first reading, Bill 136 stated that a proposed growth plan may contain, among other matters, “*growth strategies for single-tier and upper-tier municipalities in the growth plan area that have been developed by the affected municipalities in consultation with the Minister*”. This provision was amended, in the final version of the Bill, to read “*growth strategies for all or part of the growth plan area*”.

The deletion of the phrase “*that have been developed by the affected municipalities in consultation with the Minister*” could be interpreted to mean that the Sub-Area Growth Strategies (SAGS) proposed in the Draft Growth Plan for the Greater Golden Horseshoe may not be prepared by affected municipalities, which was a condition of Mississauga’s support, in principle, for the preparation and approval of SAGS. However, it is premature to draw any definitive conclusions until the final draft of the Growth Plan for the Greater Golden Horseshoe is received.

In addition to the foregoing, “the conservation of energy” was added to the list of items a growth plan may contain.

(b) Deadline for Amendments to Official Plans.

Where there is a conflict between an official plan and a growth plan, Bill 136, at first reading, required that a council amend its Official Plan to conform to a growth plan no later than the date council holds a public meeting, at least every five years, to determine a need for a revision to the Official Plan.

The final version of *The Places to Grow Act, 2005* was revised to require official plans to be amended to conform with a growth plan within three years of the day the growth plan comes into effect.

(c) Delegation by the Minister

Bill 136, *The Places to Grow Act, 2005* includes a new provision which permits the Minister to delegate, in writing, any powers or duties under the Act to one or more crown employees.

## **2. Mississauga Concerns**

The November 16, 2004 report from the Commissioner of Planning and Building noted that the provisions dealing with the relationship between a growth plan and Provincial Policy Statement (PPS) are confusing, and recommended that Bill 136, *The Places to Grow Act, 2004*, be amended to clarify this relationship. This request was not addressed and will likely be resolved at Ontario Municipal Hearings.

In addition, when City Council considered the November 16, 2004 report, it also requested that the responsibility for growth forecasts, the identification of targets for intensification and redevelopment, and the identification of minimum densities in policy 1.3.3. of the Draft PPS be assigned solely to lower-tier governments or, failing this, that the Draft PPS be amended to permit upper-tier governments to delegate the responsibilities described in subsection 1.3.3. (a) to (d) to area municipalities.

Although the PPS was not amended in accordance with this request, staff were advised, during the preparation of a report on the new PPS, that the current informal practice of delegating growth projections and allocations by the Region of Peel to the area municipalities through a consultative process may continue.

**FINANCIAL IMPACT:** Not Applicable.

**CONCLUSION:** Bill 136, *The Places to Grow Act, 2005*, will enable the Provincial government to ensure that planning decisions are consistent with a long term growth plan that reflects a broad geographical perspective, and is integrated across natural and municipal boundaries. By requiring that all planning decisions conform to a growth plan, it will ensure that long-term goals will guide decision-making and provide the policy framework for the co-ordination of growth policies among all levels of government.

**ATTACHMENTS:**

Appendix 1 - Bill 136, *The Places to Grow Act, 2005*

Appendix 2 - Corporate Report, “Bill 136, *The Places to Grow Act, 2004*” dated November 16, 2004 from the Commissioner of Planning and Building.

*Original Signed By:*

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Edward R. Sajecki  
Commissioner of Planning and Building



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## Bill 136 2005

### An Act respecting the establishment of growth plan areas and growth plans

#### Preamble

The Government of Ontario recognizes that in order to accommodate future population growth, support economic prosperity and achieve a high quality of life for all Ontarians, planning must occur in a rational and strategic way.

The Government of Ontario recognizes that building complete and strong communities, making efficient use of existing infrastructure and preserving natural and agricultural resources will contribute to maximizing the benefits, and minimizing the costs, of growth.

The Government of Ontario recognizes that identifying where and how growth should occur will support improved global competitiveness, sustain the natural environment and provide clarity for the purpose of determining priority of infrastructure investments.

The Government of Ontario recognizes that an integrated and co-ordinated approach to making decisions about growth across all levels of government will contribute to maximizing the value of public investments.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### Purposes

1. The purposes of the Act are,

- (a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;
- (b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
- (c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;
- (d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.

## Interpretation

### 2. In this Act,

"area of settlement" means an area of land designated in an official plan for urban uses, including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed; ("zone de peuplement")

"growth plan" means a plan approved by the Lieutenant Governor in Council as a growth plan under subsection 7 (6); ("plan de croissance")

"growth plan area" means an area of land designated by the Lieutenant Governor in Council as a growth plan area under clause 3 (a); ("zone de croissance planifiée")

"Minister" means the Minister of Public Infrastructure Renewal or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; ("ministre")

"municipal planning authority" means a municipal planning authority established under section 14.1 of the *Planning Act*; ("office d'aménagement municipal")

"prescribed" means prescribed by regulations made under this Act; ("prescrit")

"public body" means a municipality, local board, conservation authority, ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation. ("organisme public")

## Designation of area

### 3. The Lieutenant Governor in Council may, by regulation,

- (a) designate an area of land as a growth plan area; and
- (b) amend or revoke a designation made under clause (a).

## Growth plan

### 4. The Minister shall prepare a proposed growth plan for all or part of an area designated under clause 3 (a).

## Advice to Minister

### 5. The Minister may appoint one or more persons and establish one or more advisory committees, consisting of such persons as the Minister appoints, to,

- (a) carry out such consultations as the Minister directs;
- (b) advise and make recommendations to the Minister in respect of,
  - (i) the preparation and implementation of growth plans, amendments to growth plans and revisions of growth plans, and

(ii) facilitating the resolution of issues arising out of the implementation of growth plans, amendments to growth plans and revisions of growth plans; and

(c) perform such other functions as the Minister directs.

### **Contents of plan**

6. A growth plan may contain,

(a) population projections and allocations;

(b) an assessment and identification of priority growth areas, emerging growth areas and future growth areas, over specified time periods;

(c) growth strategies for all or part of the growth plan area;

(d) policies, goals and criteria in relation to,

(i) intensification and density,

(ii) land supply for residential, employment and other uses,

(iii) expansions and amendments to the boundaries of areas of settlement,

(iv) the location of industry and commerce,

(v) the protection of sensitive and significant lands, including agricultural lands, and water resources,

(vi) non-renewable resources,

(vi.1) the conservation of energy,

(vii) infrastructure development and the location of infrastructure and institutions,

(viii) transportation planning,

(ix) municipal waste management planning,

(x) the co-ordination of planning and development among municipalities,

(xi) growth-related capital spending and financing,

(xii) affordable housing,

(xiii) community design,

(xiv) specified actions to be taken by municipalities to implement or achieve the policies or goals;

(e) such other policies, goals or matters that the Minister considers advisable.



**Notice**

7. (1) When a proposed growth plan has been prepared, the Minister shall ensure that,
- (a) notice is given informing the public of the proposed plan, indicating where a copy of the proposed plan together with such information relevant to the proposed plan as the Minister considers advisable can be examined and inviting written submissions on the proposed plan within such period of time as is specified by the Minister;
  - (b) each municipality, municipal planning authority and planning board having jurisdiction in the area which is the subject of the proposed plan or having jurisdiction in a planning area which abuts that area is consulted with respect to the contents of the proposed plan and is invited to make written submissions within such period of time as is specified by the Minister; and
  - (c) notice of the proposed growth plan, in a form approved by the Minister and containing such information as the Minister considers appropriate, is given on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*.

**Minister may confer**

- (2) The Minister may confer with any person, public body or other body that the Minister considers may have an interest in the proposed plan.

**Hearing officer**

- (3) The Minister may appoint one or more hearing officers for the purpose of conducting one or more hearings within the area to which the proposed plan applies or in the general proximity of that area for the purpose of receiving representations respecting,
- (a) the proposed plan or any part of the proposed plan or any matter relating to the proposed plan that has been specified by the Minister; or
  - (b) a proposed modification to the proposed plan under subsection (4) or a matter relating to a proposed modification that has been specified by the Minister.

**Notice of proposed modifications**

- (4) If, after considering the submissions received and any recommendations made by a hearing officer, modifications to the proposed plan appear desirable to the Minister, the Minister may,
- (a) cause notice to be given informing the public of the proposed modifications;
  - (b) provide an opportunity to the public to make written submissions in respect of the proposed modifications within such time as is specified by the Minister; and
  - (c) provide every municipality, municipal planning authority and planning board having jurisdiction in the area which is subject to the proposed plan or having jurisdiction in a planning area abutting the area with a copy of the proposed modifications and an opportunity to make written submissions in respect of them within such time as is specified by the Minister.

### **Modification of plan**

(5) After considering the submissions received under subsection (4) and any recommendations made by a hearing officer, the Minister may make such modifications to the proposed plan as the Minister considers desirable and shall submit the proposed plan or the proposed plan as modified, as the case may be, a summary of the submissions and comments made and his or her recommendations on the plan to the Lieutenant Governor in Council.

### **Approval of plan**

(6) The Lieutenant Governor in Council may approve the plan submitted under subsection (5) in whole or in part or may approve it with such modifications as the Lieutenant Governor in Council considers desirable or may refuse to approve it, and, unless the Lieutenant Governor in Council refuses to approve the plan, the plan as approved in whole or in part or as modified and approved comes into effect on the day specified by the Lieutenant Governor in Council as the growth plan for the area to which it applies.

### **Revocation of plan**

(7) The Minister may, with the approval of the Lieutenant Governor in Council, by order revoke a growth plan on the day specified in the order and the order shall be filed in accordance with section 8.

### **Decision final**

(8) A decision under subsection (6) or (7) is final and not subject to appeal.

### **Filing of plan**

8. (1) A copy of a growth plan and of every amendment to it, certified by the Minister, shall be filed in the offices of the Ministry of Public Infrastructure Renewal, in the offices of the Ministry of Municipal Affairs and Housing, with the clerk of each municipality and with the secretary-treasurer of each municipal planning authority and planning board having jurisdiction in the area covered by the plan or the amendment, as the case may be, and in such other locations that the Minister considers appropriate.

### **Lodging of plan**

(2) If the area covered by the growth plan is in territory without municipal organization, a copy of the plan and of every amendment to it, certified by the Minister, shall be lodged in the proper land registry office.

### **Review**

9. (1) The Minister shall ensure that a review of each growth plan is carried out at least every 10 years after the date the plan comes into force to determine whether the plan should be revised.

### **Consultation and public participation**

(2) During a review under subsection (1), the Minister shall,

- (a) consult with any ministries or other public bodies that, in the opinion of the Minister, could be affected by the review;
- (b) consult with the council of each municipality or with each municipal planning authority and with each planning board that has jurisdiction in the growth plan area to which the growth plan applies; and
- (c) ensure that the public is given an opportunity to participate in the review.

### **Amendments to a growth plan**

- 10.** (1) An amendment to a growth plan shall be made in accordance with this section.

### **Proposed amendment**

- (2) If the Minister considers it necessary, the Minister may prepare and propose an amendment to the plan.

### **Notice re proposed amendment**

- (3) When an amendment to a plan is proposed under subsection (2), the Minister shall ensure that each municipality, municipal planning authority and planning board with jurisdiction in the area to which the amendment would apply and any other prescribed person, public body or other body,

- (a) is given notice of the proposal in the prescribed manner; and
- (b) is invited to make written submissions on the amendment within the period of time specified by the Minister.

### **Process**

- (4) Subsections 7 (2) to (6) apply with necessary modifications to a proposed amendment to a growth plan as if the proposed amendment were a proposed growth plan.

### **Where amendment not significant**

- (5) Despite subsection (4), if, in the opinion of the Minister, a proposed amendment would not have a significant effect on the general application of the growth plan to the area to which it applies or to a substantial part of that area,

- (a) the proposed amendment need not be submitted to the Lieutenant Governor in Council for approval in accordance with subsections 7 (5) and (6); and
- (b) the Minister may, by order, approve the proposed amendment in whole or in part with such modifications as the Minister considers desirable or decide not to approve it.

### **Effective date of amendment**

- (6) Unless the Minister decides not to approve the proposed amendment, the proposed amendment or the proposed amendment as modified comes into effect as approved in whole or in part or as approved with modifications as an amendment to the growth plan on

the day specified in the order.

#### **Limitation**

(7) Subsection (5) does not apply to a proposed amendment that provides for growth strategies mentioned in clause 6 (c) if the growth plan that would be amended does not contain such growth strategies for the affected area.

#### **Minister's decision**

(8) The Minister's decision made in accordance with subsection (5) is final and not subject to appeal.

#### **Distribution of decisions**

(9) The Minister shall send a copy of any decision made by the Lieutenant Governor in Council that is authorized under subsection (4) or any decision made by the Minister under clause (5) (b) with respect to an amendment to a growth plan to,

(a) each party to the hearing, if a hearing was held in respect of the amendment to which the decision relates;

(b) each person, public body and other body that made written submissions under clause (3) (b) in respect of the amendment; and

(c) any other persons, public bodies or other bodies that the Minister determines is appropriate.

#### **Duty of hearing officer**

11. (1) On being appointed under subsection 7 (3), the hearing officer shall,

(a) fix the time and place for the hearing; and

(b) require that notice, as specified by the hearing officer, be given to the prescribed persons, public bodies and other bodies in the prescribed manner.

#### **Rules of procedure**

(2) The hearing officer may make rules of procedure for the hearing.

#### **Protection from personal liability**

(3) The hearing officer is not personally liable for anything done by him or her in good faith in the execution of his or her duty under this Act or for any neglect or default in the execution in good faith of his or her duty.

#### **Recommendations**

(4) Upon the conclusion of the hearing, the hearing officer shall prepare written recommendations, with reasons, recommending what action the Minister should take with respect to the proposed plan or proposed amendment or the matter that was the subject of

the hearing and shall give the written recommendations with the reasons to the Minister and to the parties to the hearing within 30 days after the conclusion of the hearing.

#### **Extension of time**

(5) The Minister may extend the 30-day period at the hearing officer's request.

#### **Official plan conformity**

**12.** (1) The council of a municipality or a municipal planning authority that has jurisdiction in an area to which a growth plan applies shall amend its official plan to conform with the growth plan.

#### **Deadline for amendments**

(2) The council or municipal planning authority shall make any amendments required by subsection (1) before the third anniversary of the date on which the growth plan comes into effect.

#### **Same**

(3) Despite subsection (2), if the Minister directs the council or municipal planning authority to make the amendments required by subsection (1) on or before a different date, the council or municipal planning authority shall do so.

#### **Minister's proposals to resolve non-conformity**

**13.** (1) If, in the Minister's opinion, the official plan of a municipality or a municipal planning authority does not conform with a growth plan or if a municipality or a municipal planning authority has not adopted an amendment to its official plan to bring the official plan into conformity with a growth plan by the date specified in a direction under subsection 12 (3), the Minister may,

(a) advise the municipality or municipal planning authority of the particulars of the non-conformity; and

(b) invite the municipality or municipal planning authority to submit, within a specified time, proposals for the resolution of the non-conformity.

#### **Joint order**

(2) The Minister jointly with the Minister of Municipal Affairs and Housing may, by order, amend the official plan to resolve the non-conformity,

(a) if the council or municipal planning authority fails to submit proposals to resolve the non-conformity within the specified time; or

(b) if proposals are submitted but, after consultation with the Minister, the non-conformity cannot be resolved, and the Minister so notifies the council or municipal planning authority in writing.

#### **Effect of order**

(3) An order under subsection (2),

(a) has the same effect as an amendment to the official plan that is adopted by the council of the municipality or the municipal planning authority and, if the amendment is not exempt from approval, approved by the appropriate approval authority; and

(b) is final and not subject to appeal.

#### **Unorganized territory**

(4) Section 12 and subsections (1), (2) and (3) apply with necessary modifications to a planning board in respect of the unorganized territory within the planning area for which the planning board is established.

#### **Municipality within a planning area**

(5) Section 12 and subsections (1), (2) and (3) apply with necessary modifications to a municipality situated within a planning area and to the provisions of the official plans of the planning area that apply to the municipality as if those provisions were the official plan of the municipality.

#### **Effect of growth plan**

**14.** (1) A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area.

#### **Conflicts re: official plans, by-laws**

(2) Despite any other Act, a growth plan prevails in the case of conflict between the growth plan and,

(a) an official plan;

(b) a zoning by-law; or

(c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*.

#### **Limitation**

(3) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*.

#### **Conflicts re: directions in plans, policies**

(4) Despite any Act, but subject to a regulation made under clause 17 (1) (b), (c) or (d), if there is a conflict between a direction in a growth plan and a direction in a plan or policy that is mentioned in subsection (5) with respect to a matter relating to the natural

environment or human health, the direction that provides more protection to the natural environment or human health prevails.

#### **Plans or policies**

- (5) The plans and policies to which subsection (4) refers are,
- (a) a policy statement issued under section 3 of the *Planning Act*;
  - (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan;
  - (b.1) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan;
  - (b.2) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan;
  - (c) a plan or policy made under a prescribed provision of a prescribed Act; and
  - (d) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario.

#### **Limitations on remedies**

15. (1) No cause of action arises as a direct or indirect result of,
- (a) the enactment or repeal of any provision of this Act;
  - (b) the making or revocation of any provision of the regulations made under this Act; or
  - (c) anything done or not done in accordance with this Act or the regulations made under it.

#### **No remedy**

- (2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1) (a), (b) or (c).

#### **Proceedings barred**

- (3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in clause (1) (a), (b) or (c) may be brought or maintained against any person.

#### **Same**

- (4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this Act.

#### **Proceedings set aside**

(5) Any proceeding referred to in subsection (3) commenced before the day this Act comes into force shall be deemed to have been dismissed, without costs, on the day this Act comes into force.

#### **No expropriation or injurious affection**

(6) Nothing done or not done in accordance with this Act or the regulations constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

#### **Person defined**

(7) In this section,

"person" includes, but is not limited to, the Crown and its employees and agents, members of the Executive Council and municipalities, municipal planning authorities and planning boards and their employees and agents.

#### **Delegation by Minister**

**15.1** The Minister may delegate in writing any of his or her powers or duties under this Act to one or more Crown employees within the meaning of the *Public Service Act*.

#### **Non-application of certain Acts**

**16.** (1) The *Statutory Powers Procedure Act* does not apply to anything done under this Act.

#### **Not an undertaking**

(2) For greater certainty, a growth plan is not an undertaking as defined in subsection 1 (1) of the *Environmental Assessment Act*, but that Act continues to apply within the area to which the growth plan applies.

#### **Not a regulation**

(3) A growth plan, an order made under subsection 7 (7), 10 (5) or 13 (2) and a direction made under subsection 12 (2) are not regulations within the meaning of the *Regulations Act*.

#### **Regulations by L.G. in C.**

**17.** (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing persons, bodies, Acts, provisions of Acts, plans, policies and provisions of plans and policies for the purposes of subsection 14 (1) and clauses 14 (5) (c) and (d);

(b) governing and clarifying the application of subsection 14 (4), including determining when a conflict exists for the purpose of that subsection and determining the nature of the conflict;

(c) dealing with any problems or issues arising as a result of the application of subsection



14 (4);

(d) resolving conflicts between the provisions of a growth plan and the plans, policies and provisions mentioned in subsection 14 (5), including determining which provisions of any plan or policy prevail or how the plans or policies must be modified to resolve the conflict even if the conflict does not involve issues relating to the natural environment or human health.

#### **General or specific**

(2) A regulation under this section may be general or specific in its application.

#### **Retroactive effect**

(3) A regulation made in respect of a growth plan under clause (1) (b), (c) or (d) may be retroactive to a date,

(a) no earlier than the date the growth plan comes into effect; or

(b) if the regulation relates to a conflict between the growth plan and a plan, policy or provision prescribed for the purposes of clause 14 (5) (c) or (d) after the date the growth plan came into effect, no earlier than the date that the regulation prescribing the plan, policy or provision came into force.

#### **Conflicts**

(4) If there is a conflict between a regulation under this section and any Act or any other regulation, the regulation under this section prevails.

#### **Regulations by Minister**

**18.** (1) The Minister may make regulations,

(a) modifying or replacing all or any part of the definition of "area of settlement" in section 2;

(b) prescribing the manner in which a notice is to be given for the purpose of clauses 10 (3) (a) and 11 (1) (b) and the persons, public bodies and other bodies to whom notice shall be given under subsection 10 (3) and clause 11 (1) (b);

(c) prescribing anything that is referred to in this Act as being prescribed, other than those matters with respect to which the Lieutenant Governor in Council is authorized by section 3 or subsection 17 (1) to make regulations;

(d) providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of this Act, a provision of this Act or a growth plan.

#### **Same**

(2) Without limiting clause (1) (d), a regulation under that clause may,

- (a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a growth plan comes into effect;
- (b) determine which matters, applications and proceedings shall be continued and disposed of in accordance with the growth plan and which matters, applications and proceedings may be continued and disposed of as if the growth plan had not come into effect;
- (c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulation.

#### **General or specific**

- (3) A regulation under this section may be general or specific in its application.

#### **Conflicts**

- (4) If there is a conflict between a regulation under clause (1) (d) and any Act or regulation under any Act, the regulation under clause (1) (d) prevails.

#### **Conflicts between Acts**

- 19.** In the event of a conflict between this Act and any other Act, this Act prevails.

#### **Commencement**

- 20.** This Act comes into force on the day it receives Royal Assent.

#### **Short title**

- 21.** The short title of this Act is the *Places to Grow Act, 2005*.

This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

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#### **EXPLANATORY NOTE**

The Bill gives the Lieutenant Governor in Council the authority to designate any area of land as a growth plan area and to establish a growth plan for all or part of that area. The contents of the plan are set out in section 6.

The council of a municipality, a municipal planning authority or a planning board that has jurisdiction in an area to which a growth plan applies shall amend its official plan to conform with the growth plan.

A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal

council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with the growth plan that applies to that growth plan area.  
(Subsection 14 (1))

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# Corporate Report

Clerk's Files

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**DATE:** November 16, 2004

**TO:** Chairman and Members of Planning and Development Committee  
Meeting Date: December 6, 2004

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Bill 136, *The Places to Grow Act 2004***

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**ORIGIN:** Planning and Building Department

**BACKGROUND:** On October 28, 2004 the Provincial Government gave first reading to Bill 136, the *Places to Grow Act* (Exhibit 1). The Bill gives the Lieutenant Governor in Council (Cabinet) the authority to designate any area of land as a growth plan area and to establish a growth plan for all or part of the area.

Bill 136 provides the legislative framework for any growth plan and, while related, is not specific to the Discussion Paper, "Places to Grow – Better Choices – Brighter Future – A Growth Plan for the Greater Golden Horseshoe", Summer 2004, which was considered by City Council on September 15, 2004.

**PRESENT STATUS:** First Reading.

**COMMENTS:**

**1. Legislative Authority**

Bill 136 gives Cabinet the authority to designate, or revoke, an area of land as a growth plan area and requires the Minister of Public Infrastructure Renewal (the Minister) to prepare a growth plan for all or part of the area.

**2. Contents of a Growth Plan**

Section 6 of the Act (page 3) outlines the contents a growth plan may contain.

**3. Approval Process**

When a growth plan has been prepared, Bill 136 requires that public notice be provided, inviting written submissions, within a period specified by the Minister. Each municipality within and abutting a growth plan area will also be invited to make written submissions.

The Minister may appoint hearing officers to conduct hearings regarding the proposed plan or any proposed modification to it. The Minister, after receiving submissions and any recommendations of the hearing officer, may give further notice of any proposed modifications and provide an opportunity to the public and municipalities to provide submissions on them.

Cabinet may approve a plan in whole, or in part, modify it or refuse to approve it. A plan comes into effect on the day specified by Cabinet, the decision of which is final, and not subject to appeal.

#### **4. Amendment Process**

Only the Minister has the authority to prepare and propose an amendment to a plan, which is subject to the same approval process required for a growth plan, as described above. If the proposed amendment is not significant, it need not be submitted to Cabinet for approval, and the Minister's decision is final.

#### **5. Effects of a Growth Plan**

Bill 136 requires that any decision made under the *Planning Act* or *Condominium Act*, including those by the Provincial Government, and the Ontario Municipal Board, shall conform to a growth plan. However, this provision does not apply to a Provincial Policy Statement (PPS) issued under Section 3 of the *Planning Act*, or a Minister's order under Section 47 of the Act. This appears to contradict subsection 14(2) of the Act which states that in the event of a conflict between a PPS and a growth plan, the growth plan prevails, except in the following instance:

Bill 136 states that "if there is a conflict between the "direction" in a growth plan in respect of a matter relating to the natural environment or human health and a "direction" in a PPS issued under Section 3 of the *Planning Act*, the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan, and other plans, the direction that provides more protection to the natural environment or human health prevails.

These provisions are confusing, and could lead to different interpretations, controversy and litigation at the Ontario Municipal Board. Consequently, the relationship between a PPS and the growth plan should be clarified.

In the event of a conflict between Bill 136, and any other Act, Bill 136 prevails.

#### **6. Conflicts with Municipal Official Plans and By-laws**

A growth plan prevails in the event of a conflict with an official plan or zoning by-law. If there is a conflict, the municipality must amend its official plan to conform to the growth plan.

## **7. Expropriations or Injurious Affection**

Bill 136 indicates that nothing done or not done in accordance with the Act or the regulation constitutes an expropriation or injurious affection for the purpose of the *Expropriations Act* or otherwise at law.

## **8. Impacts on Mississauga**

City Council, on September 15, 2004 when it considered the report titled “A Growth Plan for the Greater Golden Horseshoe” dated August 17, 2004 from the Commissioner of Planning and Building, adopted, among other recommendations, the following:

“That Provincial initiatives on the PPS, OMB Reform, Planning Reform and Greenbelt legislation be tied to the implementation of the Growth Plan.”

Further, during consideration of the Growth Plan, as well as Provincial Planning Reform, City Council took the position that a growth management strategy for the Greater Golden Horseshoe is a priority and should be completed and approved by the Province before final consideration is given to the Draft Provincial Policy Statement, insofar as it applies to development in the Greater Golden Horseshoe. The intent of City Council was to ensure that there is a co-ordinated growth management strategy, and there are no conflicts between it and the Provincial Policy Statements.

Bill 136 addresses the September 15, 2004 recommendation of City Council by requiring zoning by-laws, official plans, and planning decisions of municipalities, the OMB and the Province to conform to a growth plan. However, the position of City Council that there be a co-ordinated growth management strategy, with no conflicts between it and the PPS has not been addressed. This is because Bill 136 does not require Provincial Policy Statements to be in conformity with a growth plan.

Bill 136 does provide some guidance where there is conflict between the PPS and a growth plan by stating that a growth plan prevails, unless the PPS provides more protection to the natural environment or human health, in which case it will prevail.

**CONCLUSION:**

Bill 136 satisfies the recommendation of City Council that Provincial initiatives on the Provincial Policy Statements, Ontario Municipal Board Reform, Planning Reform and Greenbelt legislation be tied to the implementation of a Growth Plan. However, the relationship between the PPS and a growth plan needs further clarification.

- RECOMMENDATIONS:**
1. That the Ministry of Public Infrastructure Renewal be requested to amend "*Bill 136, The Places to Grow Act 2004*" to clarify the relationship between Provincial Policy Statements and a growth plan.
  2. That the report titled "*Bill 136, The Places to Grow Act 2004*" dated November 16, 2004 from the Commissioner of Planning and Building be forwarded, by the City Clerk, to the Ministry of Public Infrastructure Renewal and to the Ministry of Municipal Affairs and Housing.

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Edward R. Sajecki  
Commissioner of Planning and Building





1ST SESSION, 38TH LEGISLATURE, ONTARIO  
53 ELIZABETH II, 2004

1<sup>re</sup> SESSION, 38<sup>e</sup> LÉGISLATURE, ONTARIO  
53 ELIZABETH II, 2004

## Bill 136

## Projet de loi 136

An Act respecting the  
establishment of growth plan areas  
and growth plans

Loi sur l'établissement  
de zones de croissance planifiée  
et de plans de croissance

The Hon. D. Caplan  
Minister of Public Infrastructure Renewal

L'honorable D. Caplan  
Ministre du Renouvellement  
de l'infrastructure publique

Government Bill

Projet de loi du gouvernement

1st Reading      October 28, 2004  
2nd Reading  
3rd Reading  
Royal Assent

1<sup>re</sup> lecture      28 octobre 2004  
2<sup>e</sup> lecture  
3<sup>e</sup> lecture  
Sanction royale



## EXPLANATORY NOTE

The Bill gives the Lieutenant Governor in Council the authority to designate any area of land as a growth plan area and to establish a growth plan for all or part of that area. The contents of the plan are set out in section 6.

The council of a municipality, a municipal planning authority or a planning board that has jurisdiction in an area to which a growth plan applies shall amend its official plan to conform with the growth plan.

A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to a growth plan area shall conform with the growth plan that applies to that growth plan area. (Subsection 14 (1))

## NOTE EXPLICATIVE

Le projet de loi autorise le lieutenant-gouverneur en conseil à désigner une zone comme zone de croissance planifiée et à établir un plan de croissance pour tout ou partie de cette zone. Le contenu du plan est énoncé à l'article 6.

Le conseil d'une municipalité, un office d'aménagement municipal ou un conseil d'aménagement qui a compétence dans une zone visée par un plan de croissance doit modifier son plan officiel pour qu'il soit conforme au plan de croissance.

Une décision que prend, en application de la *Loi sur l'aménagement du territoire*, de la *Loi de 1998 sur les condominiums* ou d'une autre loi ou disposition de loi prescrite, un conseil municipal, un office d'aménagement municipal, un conseil d'aménagement, un autre conseil local, un office de protection de la nature, un ministre de la Couronne ou un ministère, un conseil, une commission ou un organisme du gouvernement de l'Ontario, y compris la Commission des affaires municipales de l'Ontario, et qui se rapporte à une zone de croissance planifiée doit être conforme au plan de croissance qui vise cette zone. (Paragraphe 14 (1))

An Act respecting the  
establishment of growth plan areas  
and growth plans

Loi sur l'établissement  
de zones de croissance planifiée  
et de plans de croissance

Preamble

The Government of Ontario recognizes that in order to accommodate future population growth, support economic prosperity and achieve a high quality of life for all Ontarians, planning must occur in a rational and strategic way.

The Government of Ontario recognizes that building complete and strong communities, making efficient use of existing infrastructure and preserving natural and agricultural resources will contribute to maximizing the benefits, and minimizing the costs, of growth.

The Government of Ontario recognizes that identifying where and how growth should occur will support improved global competitiveness, sustain the natural environment and provide clarity for the purpose of determining priority of infrastructure investments.

The Government of Ontario recognizes that an integrated and co-ordinated approach to making decisions about growth across all levels of government will contribute to maximizing the value of public investments.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purposes

1. The purposes of the Act are,
  - (a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;
  - (b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
  - (c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;

Préambule

Le gouvernement de l'Ontario reconnaît que pour tenir compte de la croissance future de la population, appuyer la prospérité économique et assurer un niveau de vie élevé pour tous les Ontariens et les Ontariennes, la planification doit se faire de manière rationnelle et stratégique.

Le gouvernement de l'Ontario reconnaît que l'édification de collectivités complètes et fortes, l'utilisation efficiente de l'infrastructure existante et la préservation des ressources naturelles et agricoles contribueront à maximiser les avantages de la croissance et à en réduire les coûts au minimum.

Le gouvernement de l'Ontario reconnaît que le fait de déterminer où et comment la croissance devrait se produire aidera à améliorer la compétitivité à l'échelle mondiale, maintiendra l'environnement naturel et permettra d'établir avec plus de précision les priorités en matière d'investissement dans l'infrastructure.

Le gouvernement de l'Ontario reconnaît que l'intégration et la coordination, à tous les niveaux de gouvernement, du processus de prise de décisions concernant la croissance contribueront à maximiser la valeur des investissements publics.

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Objets

1. Les objets de la présente loi sont les suivants :
  - a) permettre que les décisions concernant la croissance soient prises de manière à maintenir une économie robuste, à bâtir des collectivités fortes et à favoriser un environnement sain et une culture de préservation;
  - b) favoriser un processus rationnel et équilibré de prise de décisions concernant la croissance qui tire parti des priorités, des forces et des possibilités des collectivités et qui fait une utilisation efficiente de l'infrastructure;
  - c) permettre que la croissance soit planifiée d'une manière qui tienne compte d'une perspective géographique large et qui soit intégrée sans être gênée par les limites naturelles et municipales;

- (d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.

#### Interpretation

##### 2. In this Act,

“area of settlement” means an area of land designated in an official plan for urban uses, including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed; (“zone de peuplement”)

“growth plan” means a plan approved by the Lieutenant Governor in Council as a growth plan under subsection 7 (6); (“plan de croissance”)

“growth plan area” means an area of land designated by the Lieutenant Governor in Council as a growth plan area under clause 3 (a); (“zone de croissance planifiée”)

“Minister” means the Minister of Public Infrastructure Renewal; (“ministre”)

“municipal planning authority” means a municipal planning authority established under section 14.1 of the *Planning Act*; (“office d’aménagement municipal”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“public body” means a municipality, local board, conservation authority, ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation. (“organisme public”)

#### Designation of area

3. The Lieutenant Governor in Council may, by regulation,

- (a) designate an area of land as a growth plan area; and
- (b) amend or revoke a designation made under clause (a).

#### Growth plan

4. The Minister shall prepare a proposed growth plan for all or part of an area designated under clause 3 (a).

#### Advice to Minister

5. The Minister may appoint one or more persons and establish one or more advisory committees, consisting of such persons as the Minister appoints, to,

- (a) carry out such consultations as the Minister directs;
- (b) advise and make recommendations to the Minister in respect of,

- d) faire en sorte qu’une vision et des objectifs à long terme guident la prise de décisions concernant la croissance et prévoir la coordination des politiques de croissance entre tous les niveaux de gouvernement.

#### Définitions

2. Les définitions qui suivent s’appliquent à la présente loi.

«ministre» Le ministre du Renouvellement de l’infrastructure publique. («Minister»)

«office d’aménagement municipal» Office d’aménagement municipal créé en vertu de l’article 14.1 de la *Loi sur l’aménagement du territoire*. («municipal planning authority»)

«organisme public» Municipalité, conseil local ou office de protection de la nature, ou ministère, département, conseil, commission, organisme ou fonctionnaire d’un gouvernement provincial ou du gouvernement fédéral, ou Première nation. («public body»)

«plan de croissance» Plan que le lieutenant-gouverneur en conseil approuve comme tel en vertu du paragraphe 7 (6). («growth plan»)

«prescrit» Prescrit par les règlements pris en application de la présente loi. («prescribed»)

«zone de croissance planifiée» Zone que le lieutenant-gouverneur en conseil désigne comme telle en vertu de l’alinéa 3 a). («growth plan area»)

«zone de peuplement» Territoire désigné dans un plan officiel aux fins d’utilisations urbaines, y compris une zone urbaine, une zone de politique urbaine, une ville, un village, un hameau, un groupe rural, une zone de peuplement rural, un système urbain, un centre de service rural ou une zone d’utilisation urbaine future, ou prescrit par ailleurs. («area of settlement»)

#### Désignation d’une zone

3. Le lieutenant-gouverneur en conseil peut, par règlement :

- a) désigner une zone comme zone de croissance planifiée;
- b) modifier ou révoquer une désignation faite en vertu de l’alinéa a).

#### Plan de croissance

4. Le ministre prépare un plan de croissance proposé pour tout ou partie d’une zone désignée en vertu de l’alinéa 3 a).

#### Conseillers du ministre

5. Le ministre peut nommer une ou plusieurs personnes et créer un ou plusieurs comités consultatifs formés des personnes qu’il y nomme pour faire ce qui suit :

- a) tenir les consultations qu’il ordonne;
- b) le conseiller et lui faire des recommandations sur ce qui suit :

- (i) the preparation and implementation of growth plans, amendments to growth plans and revisions of growth plans, and
- (ii) facilitating the resolution of issues arising out of the implementation of growth plans, amendments to growth plans and revisions of growth plans; and
- (c) perform such other functions as the Minister directs.

#### Contents of plan

6. A proposed growth plan may contain,

- (a) population projections and allocations;
- (b) an assessment and identification of priority growth areas, emerging growth areas and future growth areas, over specified time periods;
- (c) growth strategies for single-tier and upper-tier municipalities in the growth plan area that have been developed by the affected municipalities in consultation with the Minister;
- (d) policies, goals and criteria in relation to,
  - (i) intensification and density,
  - (ii) land supply,
  - (iii) expansions and amendments to the boundaries of areas of settlement,
  - (iv) the location of industry and commerce,
  - (v) the protection of sensitive and significant lands, including agricultural lands, and water resources,
  - (vi) non-renewable resources,
  - (vii) infrastructure development and the location of infrastructure and institutions,
  - (viii) transportation planning,
  - (ix) municipal waste management planning,
  - (x) the co-ordination of planning and development among municipalities,
  - (xi) growth-related capital spending and financing,
  - (xii) affordable housing,
  - (xiii) community design,
  - (xiv) specified actions to be taken by municipalities to implement or achieve the policies or goals;
- (e) such other policies, goals or matters that the Minister considers advisable.

- (i) la préparation, la mise en oeuvre, la modification et la révision des plans de croissance,
- (ii) la facilitation du règlement des questions découlant de la mise en oeuvre, de la modification et de la révision des plans de croissance;

c) exercer les autres fonctions qu'il ordonne.

#### Contenu du plan

6. Un plan de croissance proposé peut comprendre ce qui suit :

- a) des projections et des répartitions démographiques;
- b) l'évaluation et l'identification des zones de croissance prioritaires, nouvelles ou futures, sur des périodes déterminées;
- c) des stratégies de croissance, préparées par les municipalités touchées en consultation avec le ministre, pour les municipalités à palier unique ou de palier supérieur situées dans la zone de croissance planifiée;
- d) des politiques, des objectifs et des critères relatifs à ce qui suit :
  - (i) l'intensification et la densité,
  - (ii) le capital foncier,
  - (iii) l'élargissement et la modification des limites des zones de peuplement,
  - (iv) l'emplacement des industries et des commerces,
  - (v) la protection des terres vulnérables et importantes, y compris les terres agricoles, et des ressources en eau,
  - (vi) les ressources non renouvelables,
  - (vii) le développement de l'infrastructure et l'emplacement de celle-ci et des institutions,
  - (viii) la planification des transports,
  - (ix) la planification de la gestion des déchets urbains,
  - (x) la coordination, parmi les municipalités, de la planification et de l'aménagement,
  - (xi) les dépenses en immobilisations liées à la croissance et leur financement,
  - (xii) le logement abordable,
  - (xiii) la conception des collectivités,
  - (xiv) les mesures déterminées que les municipalités doivent prendre pour mettre en oeuvre les politiques ou atteindre les objectifs;
- e) les autres politiques, objectifs ou questions que le ministre estime souhaitables.

## Notice

7. (1) When a proposed growth plan has been prepared, the Minister shall ensure that,

- (a) notice is given informing the public of the proposed plan, indicating where a copy of the proposed plan together with such information relevant to the proposed plan as the Minister considers advisable can be examined and inviting written submissions on the proposed plan within such period of time as is specified by the Minister;
- (b) each municipality, municipal planning authority and planning board having jurisdiction in the area which is the subject of the proposed plan or having jurisdiction in a planning area which abuts that area is consulted with respect to the contents of the proposed plan and is invited to make written submissions within such period of time as is specified by the Minister; and
- (c) notice of the proposed growth plan, in a form approved by the Minister and containing such information as the Minister considers appropriate, is given on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*.

## Minister may confer

(2) The Minister may confer with any person, public body or other body that the Minister considers may have an interest in the proposed plan.

## Hearing officer

(3) The Minister may appoint one or more hearing officers for the purpose of conducting one or more hearings within the area to which the proposed plan applies or in the general proximity of that area for the purpose of receiving representations respecting,

- (a) the proposed plan or any part of the proposed plan or any matter relating to the proposed plan that has been specified by the Minister; or
- (b) a proposed modification to the proposed plan under subsection (4) or a matter relating to a proposed modification that has been specified by the Minister.

## Notice of proposed modifications

(4) If, after considering the submissions received and any recommendations made by a hearing officer, modifications to the proposed plan appear desirable to the Minister, the Minister may,

- (a) cause notice to be given informing the public of the proposed modifications;
- (b) provide an opportunity to the public to make written submissions in respect of the proposed modifications within such time as is specified by the Minister; and
- (c) provide every municipality, municipal planning authority and planning board having jurisdiction in the area which is subject to the proposed plan or

## Avis

7. (1) Lorsqu'un plan de croissance proposé a été préparé, le ministre veille à ce qui suit :

- a) est donné au public un avis du plan qui indique où peuvent être examinés une copie du plan et les renseignements pertinents que le ministre estime souhaitables et qui invite le public à présenter des observations écrites sur le plan dans le délai que précise le ministre;
- b) chaque municipalité, office d'aménagement municipal et conseil d'aménagement qui a compétence dans la zone visée par le plan ou dans une zone d'aménagement attenante est consulté à l'égard du contenu du plan et est invité à présenter des observations écrites dans le délai que précise le ministre;
- c) un avis du plan, sous la forme qu'approuve le ministre et contenant les renseignements qu'il estime appropriés, est donné dans le registre environnemental établi en application de l'article 5 de la *Charte des droits environnementaux de 1993*.

## Entretiens éventuels par le ministre

(2) Le ministre peut s'entretenir avec les personnes, organismes publics ou autres organismes que le plan proposé pourrait à son avis intéresser.

## Agent enquêteur

(3) Le ministre peut nommer un ou plusieurs agents enquêteurs chargés de tenir une ou plusieurs audiences dans la zone visée par le plan proposé ou dans les environs pour recevoir des observations sur, selon le cas :

- a) tout ou partie du plan ou toute question s'y rapportant qu'a précisée le ministre;
- b) une modification proposée du plan visée au paragraphe (4) ou une question s'y rapportant qu'a précisée le ministre.

## Avis de modification proposée

(4) S'il estime souhaitable de modifier le plan proposé après étude des observations reçues et de toute recommandation faite par un agent enquêteur, le ministre peut faire ce qui suit :

- a) faire donner au public un avis des modifications proposées;
- b) donner au public l'occasion de présenter des observations écrites sur les modifications proposées dans le délai qu'il précise;
- c) donner à chaque municipalité, office d'aménagement municipal et conseil d'aménagement qui a compétence dans la zone visée par le plan proposé

having jurisdiction in a planning area abutting the area with a copy of the proposed modifications and an opportunity to make written submissions in respect of them within such time as is specified by the Minister.

#### Modification of plan

(5) After considering the submissions received under subsection (4) and any recommendations made by a hearing officer, the Minister may make such modifications to the proposed plan as the Minister considers desirable and shall submit the proposed plan or the proposed plan as modified, as the case may be, a summary of the submissions and comments made and his or her recommendations on the plan to the Lieutenant Governor in Council.

#### Approval of plan

(6) The Lieutenant Governor in Council may approve the plan submitted under subsection (5) in whole or in part or may approve it with such modifications as the Lieutenant Governor in Council considers desirable or may refuse to approve it, and, unless the Lieutenant Governor in Council refuses to approve the plan, the plan as approved in whole or in part or as modified and approved comes into effect on the day specified by the Lieutenant Governor in Council as the growth plan for the area to which it applies.

#### Revocation of plan

(7) The Minister may, with the approval of the Lieutenant Governor in Council, by order revoke a growth plan on the day specified in the order and the order shall be filed in accordance with section 8.

#### Decision final

(8) A decision under subsection (6) or (7) is final and not subject to appeal.

#### Filing of plan

8. (1) A copy of a growth plan and of every amendment to it, certified by the Minister, shall be filed in the offices of the Ministry of Public Infrastructure Renewal, in the offices of the Ministry of Municipal Affairs and Housing, with the clerk of each municipality and with the secretary-treasurer of each municipal planning authority and planning board having jurisdiction in the area covered by the plan or the amendment, as the case may be, and in such other locations that the Minister considers appropriate.

#### Lodging of plan

(2) If the area covered by the growth plan is in territory without municipal organization, a copy of the plan and of every amendment to it, certified by the Minister, shall be lodged in the proper land registry office.

#### Review

9. (1) The Minister shall ensure that a review of each growth plan is carried out at least every 10 years after the date the plan comes into force to determine whether the plan should be revised.

ou dans une zone d'aménagement attenante une copie des modifications proposées et l'occasion de présenter des observations écrites sur elles dans le délai qu'il précise.

#### Modification du plan

(5) Après étude des observations reçues en application du paragraphe (4) et de toute recommandation faite par un agent enquêteur, le ministre peut apporter au plan proposé les modifications qu'il estime souhaitables et soumet au lieutenant-gouverneur en conseil le plan dans sa version originale ou modifiée, selon le cas, un sommaire des observations et des commentaires présentés et ses recommandations sur le plan.

#### Approbation du plan

(6) Le lieutenant-gouverneur en conseil peut approuver tout ou partie du plan soumis en application du paragraphe (5), l'approuver avec les modifications qu'il estime souhaitables ou refuser de l'approuver et, sauf s'il refuse de l'approuver, le plan, tel qu'il est approuvé en totalité ou en partie ou tel qu'il est modifié et approuvé, entre en vigueur le jour que précise le lieutenant-gouverneur en conseil en tant que plan de croissance de la zone qu'il vise.

#### Révocation du plan

(7) Le ministre peut, avec l'approbation du lieutenant-gouverneur en conseil, révoquer par arrêté un plan de croissance le jour que précise l'arrêté, lequel est déposé conformément à l'article 8.

#### Décision définitive

(8) Une décision prise en vertu du paragraphe (6) ou (7) est définitive et non susceptible d'appel.

#### Dépôt du plan

8. (1) Une copie du plan de croissance et de ses modifications, certifiée conforme à l'original par le ministre, est déposée dans les bureaux du ministère du Renouvellement de l'infrastructure publique et dans ceux du ministère des Affaires municipales et du Logement, auprès du secrétaire de chaque municipalité et du secrétaire-trésorier de chaque office d'aménagement municipal et conseil d'aménagement qui a compétence dans la zone visée par le plan ou la modification, selon le cas, ainsi que dans les autres lieux que le ministre estime appropriés.

#### Idem

(2) Si la zone visée par le plan de croissance est située dans un territoire non érigé en municipalité, une copie du plan et de ses modifications, certifiée conforme à l'original par le ministre, est déposée dans le bureau d'enregistrement immobilier compétent.

#### Examen

9. (1) Le ministre veille à ce qu'un examen de chaque plan de croissance soit effectué au moins une fois tous les 10 ans après sa date d'entrée en vigueur afin de déterminer s'il est nécessaire de le réviser.

## Consultation and public participation

(2) During a review under subsection (1), the Minister shall,

- (a) consult with any ministries or other public bodies that, in the opinion of the Minister, could be affected by the review;
- (b) consult with the council of each municipality or with each municipal planning authority and with each planning board that has jurisdiction in the growth plan area to which the growth plan applies; and
- (c) ensure that the public is given an opportunity to participate in the review.

## Amendments to a growth plan

10. (1) An amendment to a growth plan shall be made in accordance with this section.

## Proposed amendment

(2) If the Minister considers it necessary, the Minister may prepare and propose an amendment to the plan.

## Notice re proposed amendment

(3) When an amendment to a plan is proposed under subsection (2), the Minister shall ensure that each municipality, municipal planning authority and planning board with jurisdiction in the area to which the amendment would apply and any other prescribed person, public body or other body,

- (a) is given notice of the proposal in the prescribed manner; and
- (b) is invited to make written submissions on the amendment within the period of time specified by the Minister.

## Process

(4) Subsections 7 (2) to (6) apply with necessary modifications to a proposed amendment to a growth plan as if the proposed amendment were a proposed growth plan.

## Where amendment not significant

(5) Despite subsection (4), if, in the opinion of the Minister, a proposed amendment would not have a significant effect on the general application of the growth plan to the area to which it applies or to a substantial part of that area,

- (a) the proposed amendment need not be submitted to the Lieutenant Governor in Council for approval in accordance with subsections 7 (5) and (6); and
- (b) the Minister may, by order, approve the proposed amendment in whole or in part with such modifications as the Minister considers desirable or decide not to approve it.

## Effective date of amendment

(6) Unless the Minister decides not to approve the proposed amendment, the proposed amendment or the proposed amendment as modified comes into effect as ap-

## Consultations et participation du public

(2) Dans le cadre de l'examen prévu au paragraphe (1), le ministre fait ce qui suit :

- a) il consulte les ministères ou autres organismes publics que l'examen pourrait toucher à son avis;
- b) il consulte le conseil de chaque municipalité ou chaque office d'aménagement municipal et conseil d'aménagement qui a compétence dans la zone de croissance planifiée visée par le plan de croissance;
- c) il veille à ce que le public ait l'occasion de participer à l'examen.

## Modification du plan de croissance

10. (1) Un plan de croissance ne peut être modifié que conformément au présent article.

## Modification proposée

(2) S'il l'estime nécessaire, le ministre peut préparer et proposer une modification du plan.

## Avis de la modification proposée

(3) S'il propose une modification d'un plan en vertu du paragraphe (2), le ministre veille à ce que chaque municipalité, office d'aménagement municipal et conseil d'aménagement qui a compétence dans la zone que viserait la modification et les autres personnes, organismes publics ou autres organismes prescrits :

- a) d'une part, soient avisés de la proposition de la manière prescrite;
- b) d'autre part, soient invités à présenter des observations écrites sur la modification dans le délai que précise le ministre.

## Procédure

(4) Les paragraphes 7 (2) à (6) s'appliquent, avec les adaptations nécessaires, à une modification proposée d'un plan de croissance comme si elle était un plan de croissance proposé.

## Cas où la modification n'est pas importante

(5) Malgré le paragraphe (4), si le ministre estime qu'une modification proposée n'aurait pas de conséquence importante sur l'application générale du plan de croissance à la totalité ou à une partie considérable de la zone qu'il vise :

- a) d'une part, il n'est pas tenu de la soumettre à l'approbation du lieutenant-gouverneur en conseil conformément aux paragraphes 7 (5) et (6);
- b) d'autre part, il peut, par arrêté, l'approuver en totalité ou en partie avec les modifications qu'il estime souhaitables ou décider de ne pas l'approuver.

## Date d'effet de la modification

(6) Sauf si le ministre décide de ne pas l'approuver, la modification proposée, dans sa version originale ou modifiée, entre en vigueur telle qu'elle est approuvée en totali-



proved in whole or in part or as approved with modifications as an amendment to the growth plan on the day specified in the order.

#### Limitation

(7) Subsection (5) does not apply to a proposed amendment that provides for growth strategies mentioned in clause 6 (c) for a single-tier or upper-tier municipality if the growth plan that would be amended does not contain such growth strategies for that single-tier or upper-tier municipality.

#### Minister's decision

(8) The Minister's decision made in accordance with subsection (5) is final and not subject to appeal.

#### Copies of decision

(9) The Minister shall send a copy of a decision referred to in subsection (8) or a copy of a decision of the Lieutenant Governor in council in respect of an amendment to a growth plan under subsection (4) and subsection 7 (6) to,

- (a) each party to the hearing, if a hearing was held in respect of the amendment to which the decision relates;
- (b) each person, public body and other body that made written submissions under clause (3) (b) in respect of the amendment; and
- (c) any other persons, public bodies or other bodies that the Minister determines is appropriate.

#### Duty of hearing officer

11. (1) On being appointed under subsection 7 (3), the hearing officer shall,

- (a) fix the time and place for the hearing; and
- (b) require that notice, as specified by the hearing officer, be given to the prescribed persons, public bodies and other bodies in the prescribed manner.

#### Rules of procedure

(2) The hearing officer may make rules of procedure for the hearing.

#### Protection from personal liability

(3) The hearing officer is not personally liable for anything done by him or her in good faith in the execution of his or her duty under this Act or for any neglect or default in the execution in good faith of his or her duty.

#### Recommendations

(4) Upon the conclusion of the hearing, the hearing officer shall prepare written recommendations, with reasons, recommending what action the Minister should take with respect to the proposed plan or proposed amendment or the matter that was the subject of the hearing and shall give the written recommendations with the reasons to the Minister and to the parties to the hearing within 30 days after the conclusion of the hearing.

té ou en partie ou telle qu'elle est modifiée et approuvée, en tant que modification du plan de croissance le jour que précise l'arrêté.

#### Restriction

(7) Le paragraphe (5) ne s'applique pas à une modification proposée qui prévoit des stratégies de croissance visées à l'alinéa 6 c) pour une municipalité à palier unique ou de palier supérieur si le plan de croissance qui serait modifié ne contient pas de telles stratégies pour cette municipalité.

#### Décision du ministre

(8) La décision que prend le ministre conformément au paragraphe (5) est définitive et non susceptible d'appel.

#### Copies de la décision

(9) Le ministre fait parvenir aux personnes et organismes suivants une copie de la décision visée au paragraphe (8) ou une copie de la décision du lieutenant-gouverneur en conseil visée aux paragraphes (4) et 7 (6) à l'égard d'une modification d'un plan de croissance :

- a) les parties à l'audience, si une audience a eu lieu à l'égard de la modification que vise la décision;
- b) chaque personne, organisme public et autre organisme qui a présenté en vertu de l'alinéa (3) b) des observations écrites sur la modification;
- c) les autres personnes, organismes publics ou autres organismes que le ministre estime appropriés.

#### Fonctions de l'agent enquêteur

11. (1) Dès qu'il est nommé en vertu du paragraphe 7 (3), l'agent enquêteur fait ce qui suit :

- a) il fixe la date, l'heure et le lieu de l'audience;
- b) il exige que l'avis qu'il précise soit donné aux personnes, organismes publics et autres organismes prescrits de la manière prescrite.

#### Règles de procédure

(2) L'agent enquêteur peut adopter des règles de procédure pour la tenue de l'audience.

#### Immunité

(3) L'agent enquêteur n'engage aucunement sa responsabilité personnelle pour un acte accompli de bonne foi dans l'exécution des fonctions que lui attribue la présente loi ou pour une négligence ou un manquement commis dans l'exécution de bonne foi de ses fonctions.

#### Recommandations

(4) À la fin de l'audience, l'agent enquêteur prépare des recommandations écrites motivées sur les mesures que le ministre devrait prendre à l'égard du plan proposé, de la modification proposée ou de la question qui faisait l'objet de l'audience et il les remet au ministre et aux parties à l'audience dans les 30 jours qui suivent la fin de celle-ci.

## Extension of time

(5) The Minister may extend the 30-day period at the hearing officer's request.

## Official plan conformity

12. (1) The council of a municipality or a municipal planning authority that has jurisdiction in an area to which a growth plan applies shall amend its official plan to conform with the growth plan.

## Timing

(2) The council or municipal planning authority shall make the amendments no later than the date the council or municipal planning authority has made a determination under subsection 26 (1) of the *Planning Act* in respect of its official plan unless the Minister has directed the council or municipal planning authority to make the amendments no later than another specified earlier or later date, in which case the municipality or municipal planning authority shall make the amendments no later than the date specified.

## Minister's proposals to resolve non-conformity

13. (1) If, in the Minister's opinion, the official plan of a municipality or a municipal planning authority does not conform with a growth plan or if a municipality or a municipal planning authority has not adopted an amendment to its official plan to bring the official plan into conformity with a growth plan by the date specified in a direction under subsection 12 (2), the Minister may,

- (a) advise the municipality or municipal planning authority of the particulars of the non-conformity; and
- (b) invite the municipality or municipal planning authority to submit, within a specified time, proposals for the resolution of the non-conformity.

## Joint order

(2) The Minister jointly with the Minister of Municipal Affairs and Housing may, by order, amend the official plan to resolve the non-conformity,

- (a) if the council or municipal planning authority fails to submit proposals to resolve the non-conformity within the specified time; or
- (b) if proposals are submitted but, after consultation with the Minister, the non-conformity cannot be resolved, and the Minister so notifies the council or municipal planning authority in writing.

## Effect of order

- (3) An order under subsection (2),
- (a) has the same effect as an amendment to the official plan that is adopted by the council of the municipality or the municipal planning authority and, if the amendment is not exempt from approval, ap-

## Prorogation du délai

(5) Le ministre peut proroger le délai de 30 jours à la demande de l'agent enquêteur.

## Conformité du plan officiel

12. (1) Le conseil d'une municipalité ou un office d'aménagement municipal qui a compétence dans la zone visée par un plan de croissance modifie son plan officiel pour qu'il soit conforme au plan de croissance.

## Délai

(2) Le conseil ou l'office d'aménagement municipal apporte les modifications au plus tard à la date où il a effectué la détermination prévue au paragraphe 26 (1) de la *Loi sur l'aménagement du territoire* à l'égard de son plan officiel, à moins que le ministre lui ait ordonné de les apporter au plus tard à une autre date, antérieure ou ultérieure, auquel cas il apporte les modifications au plus tard à la date précisée.

## Propositions du ministre pour mettre fin à la non-conformité

13. (1) S'il estime que le plan officiel d'une municipalité ou d'un office d'aménagement municipal n'est pas conforme à un plan de croissance ou si une municipalité ou un office d'aménagement municipal n'a pas adopté une modification de son plan officiel pour le rendre conforme à un plan de croissance dans le délai que précise la directive visée au paragraphe 12 (2), le ministre peut :

- a) d'une part, aviser la municipalité ou l'office d'aménagement municipal des détails de la non-conformité;
- b) d'autre part, inviter la municipalité ou l'office d'aménagement municipal à présenter, dans le délai précisé, des propositions pour mettre fin à la non-conformité.

## Arrêté conjoint

(2) Le ministre et le ministre des Affaires municipales et du Logement peuvent conjointement, par arrêté, modifier le plan officiel pour mettre fin à la non-conformité si, selon le cas :

- a) le conseil municipal ou l'office d'aménagement municipal ne présente pas, dans le délai précisé, des propositions pour y mettre fin;
- b) des propositions ont été présentées mais, après consultation avec le ministre, il ne peut être mis fin à la non-conformité et le ministre en avise par écrit le conseil municipal ou l'office d'aménagement municipal.

## Effet de l'arrêté

(3) Un arrêté pris en vertu du paragraphe (2) :

- a) d'une part, a le même effet qu'une modification du plan officiel qui est adoptée par le conseil de la municipalité ou l'office d'aménagement municipal et qui, si elle n'est pas exemptée de l'approbation,

proved by the appropriate approval authority; and

(b) is final and not subject to appeal.

#### Unorganized territory

(4) Section 12 and subsections (1), (2) and (3) apply with necessary modifications to a planning board in respect of the unorganized territory within the planning area for which the planning board is established.

#### Municipality within a planning area

(5) Section 12 and subsections (1), (2) and (3) apply with necessary modifications to a municipality situated within a planning area and to the provisions of the official plans of the planning area that apply to the municipality as if those provisions were the official plan of the municipality.

#### Effect of growth plan

14. (1) A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area.

#### Conflicts re: official plans, by-laws

(2) Despite any other Act, a growth plan prevails in the case of conflict between the growth plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*.

#### Limitation

(3) Subsection (1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*.

#### Conflicts re: directions in plans, policies

(4) Despite any Act, but subject to a regulation made under clause 17 (1) (b), (c) or (d), if there is a conflict between a direction in a growth plan and a direction in a plan or policy that is mentioned in subsection (5) with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

#### Plans or policies

(5) The plans and policies to which subsection (4) refers are,

est approuvée par l'autorité approbatrice compétente;

b) d'autre part, est définitif et non susceptible d'appel.

#### Territoire non érigé en municipalité

(4) L'article 12 et les paragraphes (1), (2) et (3) s'appliquent, avec les adaptations nécessaires, à un conseil d'aménagement à l'égard du territoire non érigé en municipalité situé dans la zone d'aménagement pour laquelle le conseil est créé.

#### Municipalité située dans une zone d'aménagement

(5) L'article 12 et les paragraphes (1), (2) et (3) s'appliquent, avec les adaptations nécessaires, à une municipalité située dans une zone d'aménagement et aux dispositions des plans officiels de cette zone qui s'appliquent à la municipalité comme si ces dispositions étaient le plan officiel de la municipalité.

#### Effet du plan de croissance

14. (1) Doivent être conformes au plan de croissance qui vise une zone de croissance planifiée les décisions relatives à celle-ci prises par un conseil municipal, un office d'aménagement municipal, un conseil d'aménagement, un autre conseil local, un office de protection de la nature, un ministre de la Couronne ou un ministère, un conseil, une commission ou un organisme du gouvernement de l'Ontario, y compris la Commission des affaires municipales de l'Ontario, en application de la *Loi sur l'aménagement du territoire*, de la *Loi de 1998 sur les condominiums* ou d'une autre loi ou disposition de loi prescrite.

#### Incompatibilité : plans officiels et règlements municipaux

(2) Malgré toute autre loi, un plan de croissance l'emporte sur les dispositions incompatibles :

- a) soit d'un plan officiel;
- b) soit d'un règlement municipal de zonage;
- c) soit, sous réserve du paragraphe (4), d'une déclaration de principes faite en vertu de l'article 3 de la *Loi sur l'aménagement du territoire*.

#### Restriction

(3) Le paragraphe (1) ne s'applique pas à une déclaration de principes faite en vertu de l'article 3 de la *Loi sur l'aménagement du territoire* ou à un arrêté visé à l'article 47 de cette loi.

#### Incompatibilité : directives des plans et des politiques

(4) Malgré toute loi, mais sous réserve d'un règlement pris en application de l'alinéa 17 (1) b), c) ou d), en cas d'incompatibilité d'une directive d'un plan de croissance et d'une directive d'un plan ou d'une politique mentionné au paragraphe (5) à l'égard d'une question liée à l'environnement naturel ou à la santé humaine, celle qui prévoit le plus de protection pour l'environnement naturel ou la santé humaine l'emporte.

#### Plans et politiques

(5) Les plans et les politiques visés au paragraphe (4) sont les suivants :

- (a) a policy statement issued under section 3 of the *Planning Act*;
- (b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*, the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendments to those plans;
- (c) a plan or policy made under a prescribed provision of a prescribed Act; and
- (d) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario.

#### Limitations on remedies

15. (1) No cause of action arises as a direct or indirect result of,
- (a) the enactment or repeal of any provision of this Act;
  - (b) the making or revocation of any provision of the regulations made under this Act; or
  - (c) anything done or not done in accordance with this Act or the regulations made under it.

#### No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1) (a), (b) or (c).

#### Proceedings barred

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in clause (1) (a), (b) or (c) may be brought or maintained against any person.

#### Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this Act.

#### Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day this Act comes into force shall be deemed to have been dismissed, without costs, on the day this Act comes into force.

- a) une déclaration de principes faite en vertu de l'article 3 de la *Loi sur l'aménagement du territoire*;
- b) le plan de l'escarpement du Niagara établi en application de l'article 3 de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara*, le Plan de conservation de la moraine d'Oak Ridges établi en vertu de l'article 3 de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* et leurs modifications;
- c) un plan ou une politique établi en vertu d'une disposition prescrite d'une loi prescrite;
- d) un plan ou une politique prescrit qu'établit le lieutenant-gouverneur en conseil, un ministre de la Couronne ou un ministère, un conseil, une commission ou un organisme du gouvernement de l'Ontario, ou une disposition prescrite d'un tel plan ou d'une telle politique.

#### Restrictions quant au recours

15. (1) Aucune cause d'action ne résulte directement ou indirectement :

- a) soit de l'édiction ou de l'abrogation d'une disposition de la présente loi;
- b) soit de la prise ou de l'abrogation d'une disposition des règlements pris en application de la présente loi;
- c) soit de quoi que ce soit qui est fait ou n'est pas fait conformément à la présente loi ou à ses règlements d'application.

#### Aucun recours

(2) Aucuns frais, indemnités ni dommages-intérêts ne sont exigibles ni payables à quelque personne que ce soit et aucune personne ne peut se prévaloir d'un recours, notamment un recours contractuel ou un recours en responsabilité délictuelle, en restitution ou en fiducie, relativement à quoi que ce soit qui est visé à l'alinéa (1) a), b) ou c).

#### Irrecevabilité de certaines instances

(3) Sont irrecevables les instances, notamment les instances en responsabilité contractuelle ou délictuelle, celles fondées sur une fiducie ou celles en restitution, qui sont introduites ou poursuivies contre quelque personne que ce soit et qui, directement ou indirectement, se fondent sur quoi que ce soit qui est visé à l'alinéa (1) a), b) ou c), ou s'y rapportent.

#### Idem

(4) Le paragraphe (3) s'applique, que la cause d'action sur laquelle l'instance se présente comme étant fondée ait pris naissance avant ou après l'entrée en vigueur de la présente loi.

#### Rejet d'instances

(5) Les instances visées au paragraphe (3) qui sont introduites avant le jour de l'entrée en vigueur de la présente loi sont réputées avoir été rejetées, sans dépens, ce jour-là.

## No expropriation or injurious affection

(6) Nothing done or not done in accordance with this Act or the regulations constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

## Person defined

(7) In this section, "person" includes, but is not limited to, the Crown and its employees and agents, members of the Executive Council and municipalities, municipal planning authorities and planning boards and their employees and agents.

## Non-application of certain Acts

16. (1) The *Statutory Powers Procedure Act* does not apply to anything done under this Act.

## Not an undertaking

(2) For greater certainty, a growth plan is not an undertaking as defined in subsection 1 (1) of the *Environmental Assessment Act*, but that Act continues to apply within the area to which the growth plan applies.

## Not a regulation

(3) A growth plan, an order made under subsection 7 (7), 10 (5) or 13 (2) and a direction made under subsection 12 (2) are not regulations within the meaning of the *Regulations Act*.

## Regulations by L.G. in C.

17. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing Acts, provisions of Acts, plans, policies and provisions of plans and policies for the purposes of subsection 14 (1) and clauses 14 (5) (c) and (d);
- (b) governing and clarifying the application of subsection 14 (4), including determining when a conflict exists for the purpose of that subsection and determining the nature of the conflict;
- (c) dealing with any problems or issues arising as a result of the application of subsection 14 (4);
- (d) resolving conflicts between the provisions of a growth plan and the plans, policies and provisions mentioned in subsection 14 (5), including determining which provisions of any plan or policy prevail or how the plans or policies must be modified to resolve the conflict even if the conflict does not involve issues relating to the natural environment or human health.

## General or specific

(2) A regulation under this section may be general or specific in its application.

## Retroactive effect

(3) A regulation made in respect of a growth plan un-

## Ni expropriation ni effet préjudiciable

(6) Aucune mesure prise ou non prise conformément à la présente loi ou aux règlements ne constitue une expropriation ou un effet préjudiciable pour l'application de la *Loi sur l'expropriation* ou par ailleurs en droit.

## Définition de «personne»

(7) La définition qui suit s'applique au présent article. «personne» S'entend notamment de la Couronne et de ses employés et mandataires, des membres du Conseil exécutif ainsi que des municipalités, des offices d'aménagement municipal, des conseils d'aménagement et de leurs employés et mandataires.

## Non-application de certaines lois

16. (1) La *Loi sur l'exercice des compétences légales* ne s'applique pas à quoi que ce soit qui est fait en application de la présente loi.

## Non-assimilation à une entreprise

(2) Il est entendu qu'un plan de croissance n'est pas une entreprise au sens du paragraphe 1 (1) de la *Loi sur les évaluations environnementales*. Toutefois, cette loi continue de s'appliquer dans la zone qu'il vise.

## Non-assimilation à un règlement

(3) Les plans de croissance, les arrêtés pris en vertu du paragraphe 7 (7), 10 (5) ou 13 (2) et les directives données en vertu du paragraphe 12 (2) ne sont pas des règlements au sens de la *Loi sur les règlements*.

## Règlements du lieutenant-gouverneur en conseil

17. (1) Le lieutenant-gouverneur en conseil peut, par règlement :

- a) prescrire des lois, des dispositions de lois, des plans, des politiques et des dispositions de plans et de politiques pour l'application du paragraphe 14 (1) et des alinéas 14 (5) c) et d);
- b) régir et préciser l'application du paragraphe 14 (4), y compris déterminer à quel moment il y a incompatibilité pour l'application de ce paragraphe et en déterminer la nature;
- c) traiter des problèmes ou des questions qui résultent de l'application du paragraphe 14 (4);
- d) mettre fin à l'incompatibilité des dispositions d'un plan de croissance et des plans, politiques et dispositions mentionnés au paragraphe 14 (5), y compris déterminer quelles dispositions d'un plan ou d'une politique l'emportent ou comment les plans ou les politiques doivent être modifiés pour mettre fin à l'incompatibilité, même si elle ne met pas en cause des questions liées à l'environnement naturel ou à la santé humaine.

## Portée

(2) Les règlements pris en application du présent article peuvent avoir une portée générale ou particulière.

## Effet rétroactif

(3) Un règlement pris à l'égard d'un plan de croissance

der clause (1) (b), (c) or (d) may be retroactive to a date,

- (a) no earlier than the date the growth plan comes into effect; or
- (b) if the regulation relates to a conflict between the growth plan and a plan, policy or provision prescribed for the purposes of clause 14 (5) (c) or (d) after the date the growth plan came into effect, no earlier than the date that the regulation prescribing the plan, policy or provision came into force.

#### Conflicts

(4) If there is a conflict between a regulation under this section and any Act or any other regulation, the regulation under this section prevails.

#### Regulations by Minister

18. (1) The Minister may make regulations,

- (a) modifying or replacing all or any part of the definition of "area of settlement" in section 2;
- (b) prescribing the manner in which a notice is to be given for the purpose of clauses 10 (3) (a) and 11 (1) (b) and the persons, public bodies and other bodies to whom notice shall be given under subsection 10 (3) and clause 11 (1) (b);
- (c) prescribing anything that is referred to in this Act as being prescribed other than in subsection 14 (1) and clauses 14 (5) (c) and (d);
- (d) providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of this Act, a provision of this Act or a growth plan.

#### Same

(2) Without limiting clause (1) (d), a regulation under that clause may,

- (a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a growth plan comes into effect;
- (b) determine which matters, applications and proceedings shall be continued and disposed of in accordance with the growth plan and which matters, applications and proceedings may be continued and disposed of as if the growth plan had not come into effect;
- (c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulation.

#### General or specific

(3) A regulation under this section may be general or specific in its application.

#### Conflicts

(4) If there is a conflict between a regulation under clause (1) (d) and any Act or regulation under any Act,

en application de l'alinéa (1) b), c) ou d) peut avoir un effet rétroactif :

- a) soit à une date qui n'est pas antérieure à celle de l'entrée en vigueur du plan de croissance;
- b) soit, si le règlement se rapporte à l'incompatibilité du plan de croissance et d'un plan, d'une politique ou d'une disposition prescrit pour l'application de l'alinéa 14 (5) c) ou d) après la date d'entrée en vigueur du plan de croissance, à une date qui n'est pas antérieure à celle de l'entrée en vigueur du règlement qui a prescrit le plan, la politique ou la disposition.

#### Incompatibilité

(4) Les dispositions des règlements pris en application du présent article l'emportent sur les dispositions incompatibles de toute loi ou de tout autre règlement.

#### Règlements du ministre

18. (1) Le ministre peut, par règlement :

- a) modifier ou remplacer tout ou partie de la définition de «zone de peuplement» à l'article 2;
- b) prescrire la manière dont un avis doit être donné pour l'application des alinéas 10 (3) a) et 11 (1) b) et les personnes, organismes publics et autres organismes auxquels il doit être donné en application du paragraphe 10 (3) et de l'alinéa 11 (1) b);
- c) prescrire toute chose que la présente loi mentionne comme étant prescrite, sauf au paragraphe 14 (1) et aux alinéas 14 (5) c) et d);
- d) prévoir les questions transitoires qui, à son avis, sont nécessaires ou souhaitables pour faciliter la mise en application de la présente loi, d'une de ses dispositions ou d'un plan de croissance.

#### Idem

(2) Sans préjudice de la portée générale de l'alinéa (1) d), un règlement pris en application de cet alinéa peut :

- a) prévoir des questions transitoires concernant les affaires, demandes et procédures introduites avant ou après l'entrée en vigueur d'un plan de croissance;
- b) déterminer quelles affaires, demandes et procédures doivent être poursuivies et décidées conformément au plan de croissance et celles qui peuvent l'être comme si le plan de croissance n'était pas entré en vigueur;
- c) prévoir qu'une affaire, une demande ou une procédure est réputée avoir été introduite à la date ou dans les circonstances qu'il précise.

#### Portée

(3) Les règlements pris en application du présent article peuvent avoir une portée générale ou particulière.

#### Incompatibilité

(4) Les dispositions des règlements pris en application de l'alinéa (1) d) l'emportent sur les dispositions incompatibles de toute loi ou de tout autre règlement.

the regulation under clause (1) (d) prevails.

Conflicts between Acts

19. In the event of a conflict between this Act and any other Act, this Act prevails.

Commencement

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. The short title of this Act is the *Places to Grow Act, 2004*.

patibles de toute loi ou de tout règlement d'application d'une loi.

Incompatibilité avec d'autres lois

19. Les dispositions de la présente loi l'emportent sur les dispositions incompatibles de toute autre loi.

Entrée en vigueur

20. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

21. Le titre abrégé de la présente loi est *Loi de 2004 sur les zones de croissance*.