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ARTICLE

Bill 139 Update: Major Changes to the Planning Act Come into Force on April 3, 2018

The Ontario government has recently announced that Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*, will be proclaimed into force on April 3, 2018. Bill 139 fundamentally changes the planning appeal system in Ontario by introducing significant amendments to the *Planning Act* and other legislation.

In our Bulletin of June 1, 2017 we described the changes proposed by Bill 139 at first reading, which will among other things replace the Ontario Municipal Board ("OMB") with the Local Planning Appeal Tribunal ("LPAT"). Bill 139 subsequently received Royal Assent on December 12, 2017. Although some parts of the Bill came into force on December 12, the majority of the changes awaited proclamation by the Lieutenant Governor.

The Province's announcement means that all of the provisions of Bill 139 not yet in effect, save and except for certain provisions pertaining to amendments to the *Conservation Authorities Act*¹, will come into force by April 3, 2018. The proclamation date is available on the [Province's website](#) and is expected to be published in the Ontario Gazette shortly.

While much about the new planning regime will remain uncertain until the proposed regulations are finalized and the rules of procedure for the new LPAT are published, the release of the in-force date provides more clarity to the transition process. For example, if the proposed regulations do not change, appeals of official plan amendments and zoning by-law amendments related to complete applications made prior to or by December 12, 2017 would still continue largely under the old OMB regime if appeals are made before April 3, 2018. Our [Bulletin of December 11, 2017](#) provides a detailed review of the proposed Bill 139 regulations, including the transitional regulation.

The proposed transition regulation also provided that certain aspects of Bill 139 would only apply after the Bill came into force. Assuming that the transitional regulation is enacted as proposed, the following aspects of the Bill 139 amendments will apply after April 3, 2018:

1. The removal of the right to appeal from provincial approvals of new official plans and from official plan amendments adopted pursuant to s. 26 of the *Planning Act* (e.g. 5 or 10 year Official Plan updates) for decisions where notice of the approval is given after April 3, 2018;
2. The removal of mandatory referrals of Minister's zoning orders would apply to requests to refer made after April 3, 2018;
3. The removal of appeals (other than by the Province) of interim control by-laws when first passed (for a period of up to 1 year) would apply to decisions made after April 3, 2018; and
4. The two-year moratorium of amendments to approved secondary plans (unless allowed by council) following their approval would apply to secondary plans that come into effect after April 3, 2018.

Municipalities, public agencies, developers and other stakeholders involved in current or future planning matters should consider the implications of the new planning regime well in advance of April 3, 2018. Our [Municipal and Planning Law Group](#) is well positioned to assist you in understanding the implications of Bill 139 and how it may affect your interests.

¹ Specifically, Schedule 4, ss. 2, 19 (3), 20 (2), 21, 23, 24, 25, 26, 27, 29, and 33 of Bill 139.


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