

Lake Simcoe Protection Act, 2008
Loi de 2008 sur la protection du lac Simcoe

ONTARIO REGULATION 219/09

GENERAL

Consolidation Period: From October 31, 2011 to the e-Laws currency date.

Last amendment: O. Reg. 265/11.

This Regulation is made in English only.

Definitions

1. In this Regulation,

“area of settlement” has the same meaning as in the Planning Act;

“environmental compliance approval” means an environmental compliance approval within the meaning of the Environmental Protection Act;

“joint board” means a joint board under the Consolidated Hearings Act;

“matter” includes an application, proceeding and request. O. Reg. 219/09, s. 1; O. Reg. 265/11, s. 1.

Lake Simcoe watershed boundary

2. (1) The boundaries of the area described in clause (a) of the definition of “Lake Simcoe watershed” in section 2 of the Act are described in a data file entitled “Lake Simcoe Protection Act Watershed Boundary” and dated May 29, 2009, as amended from time to time, that is maintained by the Ministry of Natural Resources as part of its Land Information Ontario initiative. O. Reg. 219/09, s. 2 (1).

(2) Subsection (1) applies only if the following are available to the public on the Internet and in such other manner as the Minister of the Environment considers appropriate:

1. The data file referred to in subsection (1).

2. A map that shows the approximate boundaries that are described in the data file referred to in subsection (1). O. Reg. 219/09, s. 2 (2).

Prescribed instruments

3. The following instruments are prescribed for the purposes of the definition of “prescribed instrument” in section 2 of the Act:

1. A permission that is granted under the Conservation Authorities Act for development in or on the areas described in subsection 2 (1) of Ontario Regulation 179/06 (Lake Simcoe Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under that Act.

2. A permission that is granted under the Conservation Authorities Act to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland.
3. A licence within the meaning of subsection 1 (1) of the Fish and Wildlife Conservation Act, 1997 that is issued under that Act.
4. An approval issued under the Lakes and Rivers Improvement Act for the location of a dam and its plans and specifications.
5. A permit to take water that is issued under the Ontario Water Resources Act.
6. An environmental compliance approval issued in respect of the establishment, alteration, extension or replacement of new or existing sewage works.
7. A work permit that is issued under the Public Lands Act. O. Reg. 219/09, s. 3; O. Reg. 265/11, s. 2.

Amendments to Lake Simcoe Protection Plan — Notice

4. (1) A notice given under clause 13 (4) (a) or (5) (a) of the Act shall be given by mail, e-mail, fax or personal service. O. Reg. 219/09, s. 4 (1).
- (2) A notice given to a municipality under clause 13 (4) (a) or (5) (a) of the Act shall be given to the clerk of the municipality. O. Reg. 219/09, s. 4 (2).
- (3) A notice given to the Lake Simcoe Region Conservation Authority under clause 13 (4) (a) of the Act shall be given to the Authority's Chief Administrative Officer. O. Reg. 219/09, s. 4 (3).
- (4) The following persons are prescribed as other persons to whom notice must be given under clause 13 (4) (a) of the Act:
 1. The chair of the Lake Simcoe Science Committee.
 2. The chair of the Lake Simcoe Coordinating Committee. O. Reg. 219/09, s. 4 (4).

Hearing — Notice

5. (1) A notice given under clause 14 (2) (b) of the Act shall be given by mail, e-mail, fax or personal service. O. Reg. 219/09, s. 5 (1).
- (2) For the purposes of giving notice under clause 14 (2) (b) of the Act, the following persons and public bodies are prescribed:
 1. The chair of the Lake Simcoe Science Committee.
 2. The chair of the Lake Simcoe Coordinating Committee.
 3. The Lake Simcoe Region Conservation Authority.
 4. The municipalities mentioned in clauses 13 (4) (a) and (5) (a) of the Act. O. Reg. 219/09, s. 5 (2).
- (3) A notice given to the Lake Simcoe Region Conservation Authority under clause 14 (2) (b) of the Act shall be given to the Authority's Chief Administrative Officer. O. Reg. 219/09, s. 5 (3).
- (4) A notice given to a municipality under clause 14 (2) (b) of the Act shall be given to the clerk of the municipality. O. Reg. 219/09, s. 5 (4).

Participating municipalities

6. The following municipalities are designated as participating municipalities for the Lake Simcoe Region Conservation Authority:

1. City of Barrie.
2. Town of Bradford West Gwillimbury.
3. Regional Municipality of Durham.
4. Town of Innisfil.
5. City of Kawartha Lakes.
6. Town of New Tecumseth.
7. City of Orillia.
8. Township of Oro-Medonte.
9. Township of Ramara.
10. Regional Municipality of York. O. Reg. 219/09, s. 6.

Deemed day of commencement

7. For the purposes of sections 8, 9 and 10, a matter is deemed to have been commenced,

(a) in the case of a request for an official plan amendment, on the day the request is received;

(b) in the case of an official plan, an amendment to it or a repeal of it, on the day the by-law adopting the plan, amendment or repeal is passed;

(c) in the case of a zoning by-law or an amendment to it, on the day the by-law is passed;

(d) in the case of an application for an amendment to a zoning by-law, on the day the application is made;

(e) in the case of an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act, on the day the application is made;

(f) in the case of an application for a minor variance under section 45 of the Planning Act, on the day the application is made;

(g) in the case of an application to amend or revoke an order under section 47 of the Planning Act, on the day the application is made;

(h) in the case of an application for the approval of a plan of subdivision under section 51 of the Planning Act or an application for the approval of, or an exemption from an approval of, a condominium under section 9 of the Condominium Act, 1998, on the day the application is made;

(i) in the case of an application for a consent under section 53 of the Planning Act, on the day the application is made;

(j) in the case of an application for a permission under Ontario Regulation 179/06 (Lake Simcoe Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, on the day the application is made;

(k) in the case of an application for a permit under Regulation 975 of the Revised Regulations of Ontario, 1990 (Work Permits) made under the Public Lands Act, on the day the application is made;

(l) in the case of an application for an environmental compliance approval in respect of an activity mentioned in subsection 53 (1) of the Ontario Water Resources Act, whether the application is submitted under section 20.2 of the Environmental Protection Act or continued under clause 20.2 (9) (a) of that Act, on the day the application is made; and

(m) in the case of an application for an approval under section 14 or 16 of the Lakes and Rivers Improvement Act, on the day the application is made. O. Reg. 219/09, s. 7; O. Reg. 265/11, s. 3.

Transition rules, matter commenced before day Plan comes into effect

8. (1) Subject to subsections (2), (3) and (4), a matter described in section 7 and commenced before the day the Lake Simcoe Protection Plan comes into effect shall be disposed of as if the Plan had not come into effect. O. Reg. 219/09, s. 8 (1).

(2) A matter described in clause 7 (l) and commenced before the day the Lake Simcoe Protection Plan comes into effect shall be disposed of in accordance with the Plan. O. Reg. 219/09, s. 8 (2).

(3) A matter described in clause 7 (a), (b), (c), (d), (e) or (h) and commenced before the day the Lake Simcoe Protection Plan comes into effect shall be disposed of in accordance with policy 4.15 of the Plan if,

(a) the matter relates to lands that are inside an area of settlement; and

(b) the lands are located within 100 metres of a permanent stream. O. Reg. 219/09, s. 8 (3).

(4) A matter that meets one of the following criteria and commenced before the day the Lake Simcoe Protection Plan comes into effect shall be disposed of in accordance with the Plan:

1. A matter described in clause 7 (a) or (b) that has the effect of,

i. adding any amount of land to an area of settlement, or

ii. designating a new area of settlement of any size.

2. A matter described in clause 7 (a), (b), (c), (d), (e) or (h), if the matter relates to lands that are outside an area of settlement and the lands are located within 120 metres of,

i. a lake in the Lake Simcoe watershed other than Lake Simcoe,

ii. a permanent or intermittent tributary of Lake Simcoe, or

iii. a key natural heritage feature set out in the Lake Simcoe Protection Plan.

3. A matter described in clause 7 (a), (b), (c), (d), (e) or (h), if the matter relates to lands that are located within 120 metres of the Lake Simcoe shoreline. O. Reg. 219/09, s. 8 (4).

(5) A matter referred to in subsection (4) is not required to be disposed of in accordance with policy 4.8 of the Plan. O. Reg. 219/09, s. 8 (5).

(6) A matter referred to in subsection (3) or (4) does not include a matter that is under consideration by the Ontario Municipal Board or a joint board if the Ontario Municipal Board or joint board has completed its hearing of the matter but reserved its final decision. O. Reg. 219/09, s. 8 (6).

Transition, matter commenced on or after day Plan comes into effect

9. (1) Subject to subsection (2), a matter described in section 7 and commenced on or after the day the Lake Simcoe Protection Plan comes into effect shall be disposed of in accordance with the Plan. O. Reg. 219/09, s. 9 (1).

(2) A matter described in clause 7 (j), (k) or (m) and commenced on or after the day the Lake Simcoe Protection Plan comes into effect shall be disposed of as if the Plan had not come into effect if,

(a) the matter relates to a proposal for development that, on a day before the day the Plan came into effect, required approval of one or more applications described in clause 7 (d), (e) or (f); and

(b) all of the required approvals for applications under the Planning Act or the Condominium Act, 1998 in relation to the proposal for development have been obtained on a day before the day the Plan came into effect. O. Reg. 219/09, s. 9 (2).

Transition, matter commenced before, on or after day Plan comes into effect

10. Despite subsections 8 (3) and (4) and section 9, a matter described in clause 7 (d), (e), (f), (h), (i), (j), (k) or (m) that is commenced before, on or after the day the Lake Simcoe Protection Plan comes into effect shall be disposed of as if the Plan had not come into effect if it meets one of the following criteria:

1. The matter relates to a proposal for development for which approval of a draft plan of subdivision has been given under section 51 of the Planning Act and,

i. the approval was given under that section on a day before the day the Plan came into effect, and

ii. the approval has not lapsed.

2. The matter relates to a proposal for development for which approval of a draft condominium description has been given under section 9 of the Condominium Act, 1998 and,

i. the approval was given under that section on a day before the day the Plan came into effect, and

ii. the approval has not lapsed.

3. The matter relates to a proposal for development for which a provisional consent has been given under section 53 of the Planning Act and,

i. the provisional consent was given under that section on a day before the day the Plan came into effect, and

ii. the provisional consent has not lapsed. O. Reg. 219/09, s. 10.

11. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 219/09, s. 11.