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Places to Grow Act, 2005

S.O. 2005, CHAPTER 13

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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. 2005, c. 13, s. 1.

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 Infrastructure 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”) 2005, c. 13, s. 2; 2012, c. 8, Sched. 46, s. 1.

Section Amendments with date in force (d/m/y) [+]

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). 2005, c. 13, s. 3.

Growth plan

4 The Minister shall prepare a proposed growth plan for all or part of an area designated under clause 3 (a). 2005, c. 13, s. 4.

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. 2005, c. 13, s. 5.

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,
 - (vii) the conservation of energy,
 - (viii) infrastructure development and the location of infrastructure and institutions,
 - (ix) transportation planning,
 - (x) municipal waste management planning,
 - (xi) the co-ordination of planning and development among municipalities,
 - (xii) growth-related capital spending and financing,
 - (xiii) affordable housing,
 - (xiv) community design,
 - (xv) 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. 2005, c. 13, s. 6.

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*. 2005, c. 13, s. 7 (1).

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. 2005, c. 13, s. 7 (2).

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. 2005, c. 13, s. 7 (3).

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. 2005, c. 13, s. 7 (4).

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. 2005, c. 13, s. 7 (5).

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. 2005, c. 13, s. 7 (6).

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. 2005, c. 13, s. 7 (7).

Decision final

(8) A decision under subsection (6) or (7) is final and not subject to appeal. 2005, c. 13, s. 7 (8).

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 Infrastructure, 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. 2005, c. 13, s. 8 (1); 2012, c. 8, Sched. 46, s. 2.

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. 2005, c. 13, s. 8 (2).

Section Amendments with date in force (d/m/y) [+]

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. 2005, c. 13, s. 9 (1).

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. 2005, c. 13, s. 9 (2).

Amendments to a growth plan

10 (1) An amendment to a growth plan shall be made in accordance with this section. 2005, c. 13, s. 10 (1).

Proposed amendment

(2) If the Minister considers it necessary, the Minister may prepare and propose an amendment to the plan. 2005, c. 13, s. 10 (2).

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. 2005, c. 13, s. 10 (3).

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. 2005, c. 13, s. 10 (4).

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. 2005, c. 13, s. 10 (5).

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. 2005, c. 13, s. 10 (6).

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. 2005, c. 13, s. 10 (7).

Minister's decision

(8) The Minister's decision made in accordance with subsection (5) is final and not subject to appeal. 2005, c. 13, s. 10 (8).

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. 2005, c. 13, s. 10 (9).

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. 2005, c. 13, s. 11 (1).

Rules of procedure

(2) The hearing officer may make rules of procedure for the hearing. 2005, c. 13, s. 11 (2).

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. 2005, c. 13, s. 11 (3).

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. 2005, c. 13, s. 11 (4).

Extension of time

(5) The Minister may extend the 30-day period at the hearing officer's request. 2005, c. 13, s. 11 (5).

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. 2005, c. 13, s. 12 (1).

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. 2005, c. 13, s. 12 (2).

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. 2005, c. 13, s. 12 (3).

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. 2005, c. 13, s. 13 (1).

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. 2005, c. 13, s. 13 (2).

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. 2005, c. 13, s. 13 (3).

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. 2005, c. 13, s. 13 (4).

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. 2005, c. 13, s. 13 (5).

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 Land Tribunal, 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. 2005, c. 13, s. 14 (1); 2021, c. 4, Sched. 6, s. 79.

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*. 2005, c. 13, s. 14 (2).

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*. 2005, c. 13, s. 14 (3).

Conflicts re: directions in plans, policies

(4) Despite any Act, but subject to a regulation made under clause 18 (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. 2005, c. 13, s. 14 (4).

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;
- (c) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan;
- (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan;
- (e) a plan or policy made under a prescribed provision of a prescribed Act; and
- (f) 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. 2005, c. 13, s. 14 (5); 2009, c. 12, Sched. L, s. 18.

Section Amendments with date in force (d/m/y) [+]

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. 2005, c. 13, s. 15 (1).

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). 2005, c. 13, s. 15 (2).

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. 2005, c. 13, s. 15 (3).

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. 2005, c. 13, s. 15 (4).

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. 2005, c. 13, s. 15 (5).

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. 2005, c. 13, s. 15 (6).

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. 2005, c. 13, s. 15 (7).

Delegation by Minister

16 The Minister may delegate in writing any of his or her powers or duties under this Act to one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006*. 2005, c. 13, s. 16; 2006, c. 35, Sched. C, s. 110.

Section Amendments with date in force (d/m/y) [+]

Non-application of certain Acts

17 (1) The *Statutory Powers Procedure Act* does not apply to anything done under this Act. 2005, c. 13, s. 17 (1).

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. 2005, c. 13, s. 17 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (2) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 61)

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 Part III (Regulations) of the *Legislation Act, 2006*. 2005, c. 13, s. 17 (3); 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y) [+]

Regulations by L.G. in C.

18 (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) (e) and (f);
- (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. 2005, c. 13, s. 18 (1).

General or specific

(2) A regulation under this section may be general or specific in its application. 2005, c. 13, s. 18 (2).

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) (e) or (f) 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. 2005, c. 13, s. 18 (3).

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. 2005, c. 13, s. 18 (4).

Regulations by Minister

19 (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 18 (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. 2005, c. 13, s. 19 (1).

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. 2005, c. 13, s. 19 (2).

General or specific

(3) A regulation under this section may be general or specific in its application. 2005, c. 13, s. 19 (3).

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. 2005, c. 13, s. 19 (4).

Conflicts between Acts

20 In the event of a conflict between this Act and any other Act, this Act prevails. 2005, c. 13, s. 20.

21 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2005, c. 13, s. 21.

22 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2005, c. 13, s. 22.

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