



Planning & Development

File No.: 2/2019

PLANNING & DEVELOPMENT REPORT

To: Council

Meeting Date: January 8, 2019

Prepared by: Geoff VanderBaaren
Director of Planning

Date Prepared: January 3, 2019

Subject: Bill 66 – Proposed Provincial Legislative amendments

Recommendation:

That the Council of the Township of Wellesley not support the Proposed Amendments to the Planning Act as set out in Bill 66, Restoring Ontario's Competitiveness Act, 2018 as it fails to adequately protect human health and safety;

AND THAT Report 2/2019, dated January 8, 2019, be submitted to the Ministry of Municipal Affairs and Housing as The Township of Wellesley's response to the proposed amendments to the Planning Act included in Bill 66, Restoring Ontario's Competitiveness Act, 2018.

Summary:

On December 6, 2018, Bill 66, the Restoring Ontario's Competitiveness Act, 2018 was given first reading by the Provincial legislature. This report focusses on the amendments to the Planning Act proposed by Bill 66. The posting on the Environmental Registry indicates that the Bill is intended to restore Ontario's competitiveness by amending or repealing certain statutes.

If Bill 66 becomes law, amendments to a number of Acts will occur, including significant amendments to the Planning Act. Specifically, the proposed amendments would allow local municipalities to pass an open-for-business planning by-law (By-law) with conditions which would exempt a major employment use from many Planning Act requirements, as well as other Provincial policies and plans including, but not limited to, the Clean Water Act (2006), the Greenbelt Act (2005), Provincial Policy Statement (2014) and the Places to Grow Act (2005). The By-law would not have to conform or to be consistent with these plans (amongst others) or any upper tier or local municipal Official Plan. In addition, the municipality would not be required to consult with the public or notify upper tier municipalities or other agencies, and there is no ability to appeal the By-law to the Local Planning Appeals Tribunal..

Report:

Township staff does not support the amendments to the Planning Act proposed by Bill 66. While staff recognize the merits of an expedited review process for major employment uses, we have significant concerns. Concerns include the potential risks to health, safety and the environment; the lack of prescribed consultation and notification requirements; the lack of detail on the nature of the criteria or conditions that can be imposed; the proposed types of employment use; and, the non-applicability of Provincial and Municipal Plans. Essentially, the tool permits a municipality to disregard all matters of Provincial and Regional interest and regular planning process for moderately sized employment uses. The Provincial planning framework is in place to protect the public interest and the public, and disregard for this framework should rarely if ever be warranted. The province does have the ability already to use a Minister's Zoning Order to facilitate a major employment use if it is warranted.

This report outlines the key elements of the proposed statutory and regulatory changes and comments on the potential implications. In addition, it makes recommendations on Bill 66 should the Province choose to move forward with proposed amendments. Recommendations include removing the Clean Water Act as legislation that does not apply to any proposed By-law; identifying prescribed criteria; defining major employment use/ major employer; imposition of a lapsing provision; the requirement for public consultation; mandatory circulation to upper tier municipality, adjacent municipalities and agencies; and, the ability for conditions to be imposed and implemented through an agreement if necessary. The intent of the recommendations is to ensure that some of the fundamental planning matters and matters of public interest would be addressed through prescribed criteria as required by the Regulation while streamlining the process.

The Province has posted a summary and the draft of the Bill on the Environmental Registry for a 45-day public review period ending January 20, 2019. The proposed Regulation has not been posted; as a result, it is difficult to fully evaluate the proposed changes without the benefit of the specific details of the proposed regulation.

Proposed Planning Act Amendments

Should Bill 66 become law, it would allow for a local municipality to pass an open-for-business planning by-law which would exempt a major employment use from many Planning Act requirements, as well as other Provincial policies and plans. This includes the Clean Water Act (2006), the Greenbelt Act (2005), Provincial Policy Statement (2014) and the Places to Grow Act (2005). The By-law would not have to conform to or be consistent with these plans (amongst others) or the upper tier or local Official Plan.

Regulations relating to Bill 66 have not been released, however based on the Province's description of the regulation the By-law would be available for a "new major employer use" with a minimum job creation threshold which the province identifies as "for example" 50 jobs

for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population over 250,000 people.

A By-law would be available to all local municipalities and is described by the Province as an “economic development tool” with the intention of allowing a municipality to streamline development approvals and respond quickly to major employer uses seeking development sites.

In order to pass such a By-law, a local municipality must pass a resolution requesting the Minister approve the passing of a by-law and the request must be accompanied by the prescribed information. Approval from the Minister must be received prior to passing the by-law and the prescribed criteria, if any, must be met. The Minister’s approval may be subject to conditions however no information or examples of such have been provided.

Conditions may be imposed by the local municipality that principally relate to some, but not all matters of site plan control. The proposed amendments to the Planning Act also permit the local municipality to impose, “Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety”.

While a municipality may impose conditions that it considers necessary for the protection of public health and safety, there is no requirement for the local municipality to address matters of compatibility with sensitive land uses or require mitigation. There is no requirement to circulate adjacent municipalities or any other potentially interested parties or to consult with the public prior to passing of the By-law.

Planning for Employment Areas

The Township currently has very little employment land available to accommodate new or expanding businesses. Although this tool could be used to speed up the process of zoning new lands for employment uses, doing so by by-passing public input and appropriate planning review, the broader public interest is not served.

The Region and area Municipalities have been comprehensively and strategically planning for employment lands through employment land forecasts and land inventories to ensure an appropriate supply of employment lands. This long term planning helps to ensure the logical and orderly development of land.

Ministerial Zoning Order

Currently, when an opportunity for a major employment use arises and the need to locate outside of an area designated and zoned for such purposes the Province has the option to use its powers and implement a Ministerial Zoning Order (MZO). The Planning Act provides for Ministerial Zoning Orders that permit the Minister to directly impose zoning by-laws on any

land in Ontario without adhering to the normal zoning process set out in the Planning Act such as the giving of notice or holding a hearing before making a zoning order. The Minister is only required to give notice of the zoning order within 30 days of making the order. Given that a By-law as proposed under Bill 66 would require Ministerial approval, it is unclear as to why a new planning tool is being proposed as opposed to modifying the existing Ministerial Zoning Order provisions of the Planning Act.

Staff Comments and Recommendations:

While recognizing the merits of an expedited review process for major employment uses the potential trade-offs on matters of provincial, regional and Township interest set out in Bill 66 as currently proposed are too great. The concerns include the lack of prescribed consultation; potential risks to health, safety and the environment including groundwater protection; the ability to impose conditions and the lack of detail on the nature of the conditions; lack of detail regarding the type and scale of what is considered a major employment use; disregard for Provincial and Municipal Plans and policies; and how servicing and infrastructure needs will be addressed.

Should the Province decide to move forward with Bill 66, the tool should be modified to continue to protect critical matters of Provincial, Municipal interest and public health and safety.

Source Water Protection

It is recommended that the Clean Water Act, 2006 and any other policy set out in a drinking water source protection plan prepared under the Clean Water Act, 2006 should always apply.

The Region and Township rely on ground water for the majority of our water supply. Any potential uses that could jeopardize these groundwater supplies should be regulated and controlled as set out through the Clean Water Act and source water protection plans.

Natural Heritage Features and Hazard Lands

It is recommend that the prescribed criteria that must be met in order to receive Ministerial approval include a requirement that no development shall occur within or adjacent to lands that are designated as a Natural Heritage Feature/Area or Hazard Land.

Under the Provincial Policy Statement and the Growth Plan, Natural Heritage Features and Areas include significant wetlands, significant coastal wetlands, fish habitat, significant woodlands significant valley lands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest. The protection of hazard lands is a matter of public health and safety and development should not

be permitted on hazard lands. At a minimum all of these features and lands should be protected through prescribed criteria.

Compatibility with Sensitive Land Uses

It is recommended that new employment uses be located with like uses and that compatibility with sensitive land uses be added as prescribed criteria.

With respect to public health and safety, a new employment use should be evaluated in terms of potential impact on sensitive land uses such as residential uses. The employment use should be located with like uses and should minimize adverse effects from noise, vibration, odour and other contaminants on sensitive land uses. This will serve to protect public health as well as provide for the long-term viability of the employer. At a minimum a new major employment use should be required to assess and mitigate appropriately.

Public Consultation

It is recommended that public consultation on a proposed By-law be mandatory and in accordance with Section 34 of the Planning Act prior to a municipality passing a resolution requesting the Minister approve the passing of a By-law.

Public consultation is a fundamental and important part of land use planning in Ontario. Consultation with the public on a proposed employment use can assist a municipality with identifying both positive and negative impacts associated with a proposal. It will serve to inform proposed conditions that the municipality may want to implement through the By-law.

Required Notification

It is recommended that where lands proposed through By-law under Bill 66 are within an upper tier municipality, notification to agencies, neighbouring municipalities and the upper tier municipality of the intent to request approval for By-law should be provided at least 20 days prior to a decision.

As proposed, Bill 66 does not require notification to the upper tier municipality, adjacent municipalities and agencies. There may be matters of Regional interest, such as source water protection, that should be part of the consideration for adopting a By-law through this process.

Conclusions

As Bill 66 is currently drafted, the type and degree to which conditions would be utilized is at the discretion of the area municipality. While the use of the By-law is voluntary, the proposed By-law would be the strongest planning tool available under the Planning Act. If the Province moves forward with these amendments, the tool should be modified to include opportunity for public input, and additional protection for health, safety and compatibility consideration as outlined in this report.

Township Strategic Plan:

This report aligns with the initiative of Growth Management/Sustainable Growth with the strategic goal to ensure the Township of Wellesley is carefully planned and that Township policies provide for well managed balanced sustainable growth and directly relates to the strategic objective of developing strong, appropriate, local land use policies and guiding principles in the context of an Official Plan that concurs with Provincial and Regional policy.

Financial Implications:

None

Other Department / Agency Comments:

None

Legal Considerations:

None

Attachment(s):

Bill 66 – Section 10

Department Head: _____

Treasurer: _____

Corporate Management Team (date): _____ January 4, 2019

Approved by:

Chief Administrative Officer: _____ 

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 66

An Act to restore Ontario's competitiveness by amending or repealing certain Acts

The Hon. T. Smith

Minister of Economic Development, Job Creation and Trade

Government Bill

1st Reading December 6, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

Agricultural Employees Protection Act, 2002

The Schedule extends the application of the *Agricultural Employees Protection Act, 2002* to employees who engage in ornamental horticulture.

Farm Registration and Farm Organizations Funding Act, 1993

The Schedule makes several amendments to the *Farm Registration and Farm Organizations Funding Act, 1993*. Some of the more significant amendments include:

1. Section 2 of the Act is amended to eliminate the requirement for certain persons carrying on a farming business to file a farming business registration form with the Minister. Instead, the section would include a requirement for these persons to register the farming business by submitting an application for a farming business registration number to the Ministry. Regulations may be made in relation to the applications for farming business registration numbers and to the expiry and renewal of such numbers.
2. Section 21 of the Act is amended to clarify the Ministry's role in receiving payments from farming businesses along with applications for farming business registration numbers and forwarding those payments to the appropriate accredited farm organization. The Ministry's authority to recover related administrative costs is also clarified.
3. New sections 31.1 to 31.12 are added to the Act to give the Minister the power to make regulations designating a corporation as a Farm Registration Administrator and delegating to the administrator responsibility for the administration of specified provisions of the Act or of regulations made under subsection 33 (2), or both. The provisions require that the Minister enter into an administrative agreement with a prospective designate. Several provisions relate to the governance, duties, liability and accountability of a Farm Registration Administrator.
4. The regulation-making powers currently held by the Lieutenant Governor in Council under section 33 of the Act are revised and certain regulation-making powers are transferred to the Minister.

Ministry of Agriculture, Food and Rural Affairs Act

The Schedule amends the *Ministry of Agriculture, Food and Rural Affairs Act*. Section 6.2 of the Act is amended to clarify that the Minister may make orders under that section establishing loan guarantee programs. The loan guarantees themselves continue to be given by the Lieutenant Governor in Council under section 8 of the Act, whether as part of a loan guarantee program or otherwise. Section 8 of the Act is amended to provide that the loan guarantees may be given not only in respect of loans made to farmers but also in respect of loans made to entities that provide loans to farmers.

SCHEDULE 2

MINISTRY OF THE ATTORNEY GENERAL

Pawnbrokers Act

The Schedule repeals the *Pawnbrokers Act* and makes a consequential amendment to the *Personal Property Security Act*.

SCHEDULE 3

MINISTRY OF EDUCATION

The Schedule amends the *Child Care and Early Years Act, 2014* and the *Education Act*. Here are highlights of some of those amendments:

Currently, sub-subparagraph 1 iv A of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of one home child care provider may not include more than two children who are younger than two years old. This sub-subparagraph is amended to increase the number to three children who are younger than two years old.

Currently, sub-subparagraph 1 iv B of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of two home child care providers may not include more than four children who are younger than two years old. This sub-subparagraph is amended to increase the number to six children who are younger than two years old.

Currently, subparagraph 2 iii of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of an unlicensed child care provider may not include more than two children who are younger than two years old. This subparagraph is amended to increase the number to three children who are younger than two years old.

Currently, subparagraph 3 iv of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that, with respect to in-home services, financial assistance must be provided under the Act for child care in order to be excepted from the application of subsection 6 (1). This subparagraph is repealed.

Currently, paragraph 4 of subsection 6 (4) of the *Child Care and Early Years Act, 2014* provides that only children who are six years old or older may be registered in an authorized recreational and skill building program. This paragraph is amended to lower the age restriction to children who are four years old or older.

Currently, paragraph 2 of subsection 259 (2) of the *Education Act* provides that a board must ensure that a third party program operated for the purposes of section 259 of the Act is led by an early childhood educator or another person who meets criteria set out in a regulation made under the *Child Care and Early Years Act, 2014*. This paragraph is repealed.

Currently, paragraph 1 of subsection 259.1 (2) of the *Education Act* provides that a board must ensure that a third party program operated for the purposes of section 259.1 of the Act must meet the requirements set out in subsection 259 (1) or (2) or be a program prescribed by the regulations. This paragraph is re-enacted to provide that a board must ensure that a third party program operated for the purposes of section 259.1 of the Act must be a child care centre licensed under the *Child Care and Early Years Act, 2014* or another program prescribed by the regulations made under the *Education Act*.

SCHEDULE 4

MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES

Ontario Energy Board Act, 1998

The Schedule amends section 78 of the *Ontario Energy Board Act, 1998* to remove references to unit sub-metering, and to add a reference to unit smart meter providers in subsection 78 (9). A consequential amendment is made to the regulation-making authority in clause 88 (1) (g.6.0.2) of the Act.

SCHEDULE 5

MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

Toxics Reduction Act, 2009

The Schedule amends the *Toxics Reduction Act, 2009* to provide that the Act is repealed on December 31, 2021. The Schedule also revokes the regulations made under the Act as of the same day.

SCHEDULE 6

MINISTRY OF FINANCE

Pension Benefits Act

Currently, subsection 80.4 (1) of the *Pension Benefits Act* provides that the conversion of single employer pension plans to jointly sponsored pension plans, implemented through a transfer of assets and liabilities, is only available with respect to plans that are public sector plans and with respect to prescribed pension plans or classes of pension plans. The Schedule repeals subsection 80.4 (1).

SCHEDULE 7

MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

Technical Standards and Safety Act, 2000

The Schedule amends the *Technical Standards and Safety Act, 2000* so that it no longer applies to upholstered or stuffed articles. The Schedule also allows alternate rules made by a director and approved by the Minister under the Act to regulate any matter to which the regulations made under the Act apply. If alternate rules exist, they apply to the matter instead of the regulations and Minister's orders made under the Act, to the extent provided in the alternate rules.

Wireless Services Agreements Act, 2013

The Schedule repeals the *Wireless Services Agreements Act, 2013* and revokes the two regulations made under it.

SCHEDULE 8

MINISTRY OF HEALTH AND LONG-TERM CARE

Long-Term Care Homes Act, 2007

The Schedule amends subsection 44 (10) of the *Long-Term Care Homes Act, 2007* to remove the Director from the list of persons who must be provided a written notice if the licensee withholds approval for admission. Section 106 of the Act is amended to allow the Director to determine how public consultations will be conducted. Under the amended section 106, the Director is required to consult the public for various licensing transactions, unless the Director has determined that a public consultation is not warranted in the circumstances, and the Director may make a policy for this purpose. Section 112 of the Act is amended to allow the Director to issue non-renewable temporary emergency licences for a term of not more than one year to accommodate persons affected by a temporary emergency. Section 113 of the Act is repealed but short-term authorizations given by the Director before the day of the repeal continue to be valid until their authorization period expires.

SCHEDULE 9 MINISTRY OF LABOUR

Employment Standards Act, 2000

The Schedule amends the *Employment Standards Act, 2000*. The major elements are described below.

Section 2 of the Act is amended to provide that the Director, and not the Minister, is required to publish a poster providing information about the Act and regulations. Employers are no longer required to post the poster in the workplace.

Part VII of the Act is amended to remove the Director's approval for employers to make agreements that allow their employees to exceed 48 hours of work in a work week.

Part VIII of the Act is amended to remove the Director's approval for employers to make agreements that allow them to average their employee's hours of work for the purpose of determining the employee's entitlement to overtime pay. The employee's hours may be averaged in accordance with the terms of an averaging agreement between the employee and the employer over a period that does not exceed four weeks.

Labour Relations Act, 1995

The Schedule amends the *Labour Relations Act, 1995* to deem municipalities and certain local boards, school boards, hospitals, colleges, universities and public bodies to be non-construction employers.

Trade unions that represent employees of these employers who are employed, or who may be employed, in the construction industry no longer represent those employees. Any collective agreement binding the employer and the trade union ceases to apply in so far as it applies to the construction industry.

SCHEDULE 10 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Planning Act

The Schedule amends the *Planning Act* to add a new section 34.1, which allows local municipalities to pass open-for-business planning by-laws. These by-laws involve the exercise of a municipality's powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. A municipality may pass an open-for-business planning by-law only if it has received approval to do so in writing by the Minister and if criteria as may be prescribed are satisfied. Certain provisions of the Act and other Acts that would ordinarily apply to a by-law passed under section 34 do not apply to an open-for-business planning by-law.

SCHEDULE 11 MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

Private Career Colleges Act, 2005

The *Private Career Colleges Act, 2005* is amended to provide that the term of a registration or renewal of a registration shall be specified by the Superintendent in accordance with the regulations or, if there are no regulations, shall be one year unless otherwise specified by the Superintendent.

The Act is also amended to provide that the Superintendent may remove or direct the removal of material or information published under section 49, and that such removal shall be done in accordance with the regulations, if any.

Related regulation-making powers are added.

SCHEDULE 12 MINISTRY OF TRANSPORTATION

Highway Traffic Act

Currently, section 7 of the *Highway Traffic Act* requires a driver of a vehicle to carry the original permit for the vehicle or a true copy of it, and to surrender the permit to a police officer, upon demand. The Act is amended to provide that where the permit is a permit issued by the Ministry or another jurisdiction pursuant to the International Registration Plan, this requirement may also be satisfied with an electronic version of the permit, provided that the permit complies with the requirements of the International Registration Plan and with any requirements established by the Ministry.

References to permits issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration are repealed.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
PLANNING ACT

1 The *Planning Act* is amended by adding the following section:

Open-for-business planning by-law

34.1 (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

- (a) involves the exercise of the municipality's powers under section 34; and
- (b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

Conditions

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

- 1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
- 2. The prescribed criteria, if any, have been met.

Request by municipality

(3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

Approval subject to conditions

(4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

Purposes of open-for-business planning by-law

(5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

Non-application of listed provisions

(6) The following provisions do not apply to an open-for-business planning by-law:

- 1. Subsection 3 (5).
- 2. Section 24.
- 3. Subsections 34 (10.0.0.1) to (34).
- 4. Section 36.
- 5. Section 37.
- 6. Section 39 of the *Clean Water Act, 2006*.
- 7. Section 20 of the *Great Lakes Protection Act, 2015*.
- 8. Section 7 of the *Greenbelt Act, 2005*.
- 9. Section 6 of the *Lake Simcoe Protection Act, 2008*.
- 10. Subsection 31.1 (4) of the *Metrolinx Act, 2006*.
- 11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*.
- 12. Section 13 of the *Ontario Planning and Development Act, 1994*.
- 13. Subsection 14 (1) of the *Places to Grow Act, 2005*.
- 14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016*.
- 15. Any prescribed provision.

Application of site plan control

(7) Section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

Conditions that may be imposed

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
 - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
 - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
 - A. the massing and conceptual design of the proposed building,
 - B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
 - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
 - D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

Same

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

Same

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

Coming into force of by-law

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or
- (b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

Minister may modify, revoke

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

Non-application of *Legislation Act, 2006*, Part III to order

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

Order provided to municipality

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

Deeming rule for modified by-law

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

Deeming rule for revoked by-law

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

Amendment and revocation

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

Conflict

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

2 Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.