

Proposed changes to certain land division provisions in the Planning Act

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Act	Planning Act, R.S.O. 1990
Posted by	Ministry of Municipal Affairs and Housing
Notice stage	Proposal
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This consultation closes at 11:59 p.m. on:

May 25, 2021

Proposal summary

The government is proposing changes to the *Planning Act* related to control of the division of land (subdivision control, plans of subdivision, consents and validations), as well as other housekeeping or consequential changes to the Act.

Proposal details

Subdivision Control (Section 50)

Subdivision control is a set of rules established under the *Planning Act* that aims to prevent the indiscriminate subdivision of land. Subdivision control ensures that before most interests in land are created, they are evaluated by some level of government, in keeping with land use planning principles to ensure that any long-term impacts related to the creation of the parcel or other interest are addressed.

Plans of Subdivision (Section 51)

A registered plan of subdivision creates new, separate parcels of land that can be legally transferred or sold on their own. Often a plan of subdivision is used for creating multiple lots, blocks and streets that result in the creation of a

residential community, but it can be used for other land uses. Once the plan is approved by the planning authority and registered further subdivision of the lots is controlled by the process known as part lot control. Plans of subdivision are approved by municipalities, planning boards, the minister or a delegate.

Consents (Section 53)

If a landowner wishes to transfer an interest in part of their holdings, a consent provides for a simpler mechanism than the subdivision process. It allows for a landowner to obtain consent, usually from the local municipality, to transfer a part of the interest in their holdings. Consents are the process by which an owner typically obtains a severance. Consents are approved by municipalities, planning boards, the minister or a delegate (~~i.e. (in other words)~~, consent granting authorities).

Validations (Section 57)

Provides for the legalization of title for lands where requirements of subdivision control were not followed (~~e.g. (for example)~~, through fraudulent activity, technical error or naivety of persons selling/buying). In certain situations, can be used as a cure or remedy to address a problem with property title as a simpler alternative to obtaining a consent. Validations are approved by consent granting authorities.

The Schedule proposes to amend the *Planning Act* through the principal amendments described below.

Subdivision Control and Part Lot Control

Amendments would be made to subdivision control and part lot control to:

- Prevent lots from merging where lands were previously owned by, or abutted land previously owned by, joint tenants and where the ownership would have otherwise merged as a result of the death of one of the joint tenants;
- Permit additional types of abutting land (other than whole lots or blocks within registered plans of subdivision) to be retained without violating subdivision control;
- Allow interests in land acquired for the purpose of an energy line to be disposed of to owners of abutting land;
- Permit agreements, like leases, that involve part of a building and the use of lands ancillary to the use of the building, and clarify that these agreements can have a duration equal to the lifetime of an individual.

The amendments would also remove unique rules under the Act for foreclosures or exercises of powers of sale, including removing a unique process for foreclosures or exercises of powers of sale over part of the lands subject to a mortgage, so that these transactions could only occur if the same lands could be conveyed without offending subdivision control. These activities would follow the same process as conveyances and would need to obtain a regular consent.

An amendment would provide that any lawyer, for any purpose related to confirming compliance with section 50 of the Planning Act, only needs to investigate title since the time of the last deed or transfer if at that time a lawyer had provided a statement confirming that there had been no contravention of subdivision control.

Plans of Subdivision

Various amendments would be made to align the requirements for public notice, information and public meetings for plans of subdivision with other instruments under the Act and for the approval authority to forward to the Local Planning Appeal Tribunal (Tribunal) information as required.

Consents

Currently, an owner, chargee or their agent is permitted to apply for a consent. The amendments would permit a purchaser of land or the purchaser's agent to apply for a consent.

Amendments would permit an application for a consent to be amended by an applicant prior to a decision about the consent being made by the consent-granting authority. If an application is amended, the consent-granting authority can impose terms related to the amended application as it considers appropriate.

Amendments would be made to provide that a regulation requiring a public meeting for a consent application could specify other requirements related to the public meeting. In addition, after a notice of appeal is received, the clerk of a municipality or the Minister may be required by the Tribunal to provide information and materials as specified by the Tribunal.

An amendment would be made to provide a municipality or the Minister (at their sole discretion) with the authority to extend, by up to one additional year, the one-year period during which the conditions of a consent must be satisfied.

An amendment would be made to require a municipality or the Minister, to issue a certificate to a consent applicant for the retained land in addition to the requirement to provide a certificate for the lands that are subject to the consent application. This requirement would be subject to the applicant, as part of the application for a consent, providing a legal description for the retained land which can be registered.

An amendment would allow owners, chargees (e.g., (for example), mortgage holders), purchasers or their agents to apply to the municipality or the Minister for a certificate of cancellation in respect of land previously conveyed with a consent that, if approved and registered, would remove the application of specified exceptions from subdivision control in relation to the land (and thereby potentially merging the lots involved).

Validations

An amendment would be made to require that a decision regarding a validation must conform with the same criteria which are applicable to consents.

The proposed *Planning Act* amendments summarized in this notice, if approved, would not affect environmental, agricultural or other land use planning policies, plans and objectives, and would not affect Greenbelt protections.

Supporting materials

Related links

Planning Act (<https://www.ontario.ca/laws/statute/90p13>)

21-MMAH008 - Proposed changes to certain land division provisions in the Planni... (<https://www.ontariocanada.com/registry/view.do?postingId=37010&language=en>)

Bill 276, Supporting Recovery and Competitiveness Act, 2021 (<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-276>)

Related ERO (Environmental Registry of Ontario) notices

Proposed Supporting Recovery and Competitiveness Act (/notice/019-3497)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

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Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

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