

ONTARIO REGULATION 149/20

made under the

PLANNING ACT

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SPECIAL RULES RELATING TO DECLARED EMERGENCY

Definition

1. In this Regulation,

“COVID-19 emergency” means the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*.

Non-application of orders under s. 7.1 (2) of the EMCPA

2. Despite the *Emergency Management and Civil Protection Act*, an order made under subsection 7.1 (2) of that Act after April 15, 2020 does not apply with respect to the *Planning Act*, the regulations or section 114 of the *City of Toronto Act, 2006*.

Non-application of O. Reg. 73/20

3. Despite the *Emergency Management and Civil Protection Act*, Ontario Regulation 73/20 (Order under subsection 7.1 (2) of the Act - Limitation Periods) made under that Act does not apply and is deemed to have never applied with respect to the *Planning Act*, the regulations or section 114 of the *City of Toronto Act, 2006*.

Rules re giving notice

4. (1) If the giving of notice of a decision required by a provision set out in subsection (3) was completed on or after February 26, 2020 and before April 15, 2020, the giving of the notice is deemed not to have been completed and the notice shall be given again in accordance with the provision, except that the notice shall be given no later than 15 days after the COVID-19 emergency is terminated or disallowed.

(2) The following rules apply if a notice is required to be given under a provision set out in subsection (3) in respect of a decision that was made on or after March 2, 2020 and before April 15, 2020:

1. If the notice was given to one or more persons or public bodies but the giving of the notice was not completed before April 15, 2020, the notice is deemed not to have been given and the notice shall be given again in accordance with the provision, except that the notice shall be given no later than 15 days after the COVID-19 emergency is terminated or disallowed.
2. If the notice was not given before April 15, 2020, the notice shall be given in accordance with the provision, except that the notice shall be given no later than 15 days after the COVID-19 emergency is terminated or disallowed.

(3) The provisions referred to in subsections (1) and (2) are as follows:

1. Subsections 17 (23) and (35) of the Act.
2. Subsection 22 (6.6) of the Act.
3. Subsections 34 (10.9) and (18) of the Act.
4. Subsections 51 (37) and (45) of the Act.
5. Subsections 53 (17) and (24) of the Act.
6. Subsection 10 (13) of Ontario Regulation 173/16 (Community Planning Permits) made under the Act.

(4) The following rules apply if a decision in respect of an application under section 45 of the Act was made on or after February 26, 2020 and before April 15, 2020:

1. The secretary-treasurer of the respective committee of adjustment shall give notice of the decision in accordance with subsection 45 (10) of the Act regardless of whether such notice had previously been given, except that the reference in that subsection to “not later than ten days from the making of the decision” shall be read as “not later than ten days after the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* is terminated or disallowed”.

2. The reference in subsection 45 (12) of the Act to “within 20 days of the making of the decision” shall be read as “within 20 days after the day that the giving of notice in accordance with paragraph 1 of subsection 4 (4) of Ontario Regulation 149/20 (Special Rules Relating to Declared Emergency) made under the *Planning Act* is completed”.
3. For the purposes of paragraph 2, the giving of notice shall be deemed to be completed,
 - i. where notice is given by personal service, on the day that the serving of all required notices is completed,
 - ii. where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed,
 - iii. where notice is given by mail, on the day that the mailing of all required notices is completed, and
 - iv. where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed.

(5) For greater certainty, nothing in this section prevents the filing of a notice of appeal in connection with a matter for which a notice of decision is required to be given in accordance with subsections (1), (2) or (4) before the notice of decision is given in accordance with the applicable provision.

Application of periods of time during COVID-19 emergency

5. (1) The period of the COVID-19 emergency shall not be included for the purposes of counting the periods of time described in the following provisions:

1. Subsections 17 (29), (29.1), (29.2), (31), (34.1), (40), (40.2), (42), (42.1), (42.2) and (42.3) of the Act.
2. Subsections 22 (6.1), (6.2), (6.4), (7.0.2), (9), (9.1), (9.1.1), (9.2) and (9.3) of the Act.
3. Subsections 33 (4) and (15) of the Act.
4. Subsections 34 (10.4), (10.5), (10.7), (11), (11.0.0.1), (23), (23.2) and (23.3) of the Act.
5. Subsection 36 (3) of the Act.
6. Subsections 38 (1) and (2) of the Act, but only in respect of interim control by-laws in effect on March 17, 2020.
7. Subsections 41 (12) and (12.0.2) of the Act.
8. Subsections 42 (12) and (13) of the Act.
9. Subsections 45 (4), (13.1) and (13.2) of the Act.
10. Subsections 51 (19.1), (19.2), (19.4), (34), (35), (35.1), (35.2), (50), (50.1), (50.2) and (59) of the Act.
11. Subsections 53 (14), (15), (16.1), (16.2), (28), (29.1), (29.2), (41) and (43) of the Act.
12. Subsection 69 (3) of the Act.
13. Subsection 12 (1) and section 13 of Ontario Regulation 173/16 (Community Planning Permits) made under the Act.
14. Subsections 114 (15) and (15.2) of the *City of Toronto Act, 2006*.

(2) The following rules apply if a period of time described in a provision set out in subsection (1) ended on or after March 17, 2020 and before April 15, 2020:

1. The period of time is deemed not to have ended.
2. An appeal that was filed on or after March 17, 2020 and before April 15, 2020 under any of the following provisions is deemed not to have been filed:
 - i. Subsection 17 (40) of the Act.
 - ii. Subsection 22 (7) of the Act, but only in respect of an appeal brought in accordance with paragraph 1 or 2 of subsection 22 (7.0.2) of the Act.
 - iii. Subsection 33 (4) of the Act, but only in respect of an appeal with respect to the neglect to make a decision on an application.
 - iv. Subsection 33 (15) of the Act, but only in respect of an appeal with respect to the neglect to make a decision on an application.
 - v. Subsection 34 (11) of the Act, but only in respect of an appeal with respect to the failure to make a decision on an application.
 - vi. Subsection 36 (3) of the Act, but only in respect of an appeal with respect to the failure to make a decision on an application.
 - vii. Subsection 41 (12) of the Act.

- viii. Subsection 51 (34) of the Act.
 - ix. Subsection 53 (14) of the Act.
 - x. Subsection 12 (1) of Ontario Regulation 173/16 (Community Planning Permits) made under the Act.
 - xi. Subsection 114 (15) of the *City of Toronto Act, 2006*.
3. A motion that was made on or after March 17, 2020 and before April 15, 2020 under any of the following provisions is deemed not to have been made:
- i. Subsection 22 (6.3) of the Act.
 - ii. Subsection 34 (10.6) of the Act.
 - iii. Subsection 51 (19.3) of the Act.

Interim control by-laws

6. (1) If an interim control by-law was in effect on March 17, 2020 and has not been repealed before April 15, 2020, and would, but for this section, expire after April 15, 2020 and before the COVID-19 emergency terminates or is disallowed, the by-law is deemed not to expire and is deemed to remain in effect for the remainder of the COVID-19 emergency and is deemed to remain in effect after the COVID-19 emergency for a period that is equal to the number of days between March 17, 2020 and the day the by-law would have expired.

(2) If an interim control by-law was in effect on March 17, 2020, has not been repealed before April 15, 2020, and does not expire before the COVID-19 emergency terminates or is disallowed, the by-law is deemed to remain in effect after the day it would otherwise expire for a period that is equal to the number of days between March 17, 2020 and the day the COVID-19 emergency is terminated or is disallowed.

(3) Nothing in subsections (1) or (2) limit the ability of a municipality to amend or repeal the interim control by-law.

Commencement

7. This Regulation comes into force on the day it is filed.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

STEVE CLARK
Minister of Municipal Affairs and Housing

Date made: April 14, 2020
Pris le : 14 avril 2020

Français

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